



# Gandhian Constitution *for* , FREE INDIA

*By*

SHRIMAN NARAYAN AGARWAL

*Principal, Seksaria College of Commerce, Wardha*

*Foreword by*

MAHATMA GANDHI

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## FOREWORD

Perhaps the expression "Gandhian Constitution" is not a fitting title for Principal Agarwal's pages. It may be acceptable as a convenient and compact title. The framework is really Principal Agarwal's, based on his study of my writings. He has been interpreting them for a number of years. And as he is anxious not to misinterpret them in any way he would publish nothing without my seeing it. This is both an advantage and a disadvantage. The advantage is obvious. The disadvantage lies in the reader mistaking the particular writing being my view in every detail. Let me then warn him against making any such mistake. If I were to commit myself to every word appearing in these pages, I might as well write the thing myself. Though I have endeavoured to read the constitution twice, with as much attention as I was able to bestow on it during my other engagements, I could not undertake to check every thought and every word of it. Nor would my sense of propriety and individual freedom permit me to commit any such atrocity. All therefore I am able to say is that the brochure contains ample evidence of the care bestowed upon it by the author to make it as accurate as he could. There is nothing in it which has jarred on me as inconsistent with what I would like to stand for.

The author was good enough to make such alterations as I thought were necessary.

The word "constitution" must not mislead the reader into thinking that the author has made any profession to give him a complete constitution. He has made it perfectly clear in the beginning pages that he has only laid down broad lines to indicate what a constitution of my conception would be. I regard Principal Agarwal's to be a thoughtful contribution to the many attempts at presenting India with constitutions. The merit of his attempt consists in the fact that he has done what for want of time I have failed to do



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# PART ONE



# I

## INTRODUCTORY

The United Nations have, undoubtedly, won the 'Total War'; they have brought Germany and Japan to their knees through 'unconditional surrender.' But whether the Allies have also won 'Total Peace' is still to be proved and demonstrated. The shameless burial of the Atlantic Charter even during the war, the setting up of another League of Nations under a different 'sign-board,' and the Potsdam Declaration before which the Treaty of Versailles pales into insignificance, are not hopeful portents. As Wendell Willkie remarks, 'nothing of importance can be won in peace, which has not already been won in war'<sup>1</sup> The crucial test of the sincerity of the United Nations is India "Britain," observes Pearl Buck, "is a democracy fighting for her Empire."<sup>2</sup> Nothing could be more complex than this phenomenon in human history, because democracy and imperialism are essentially incompatible. But Britain has been practising such double-faced morality all the time, and it is idle to expect that she would 'Quit India' with good grace. Be that as it may, I have no manner of doubt that India will win her political freedom before long, despite Britain's desire 'to hold her own' In his 'Shape of Things to Come,' H. G. Wells visualises that

<sup>1</sup> 'One World,' p. 118

<sup>2</sup> 'Asia and Democracy,' p. 16

the British grip on India would relax to nothing after 'a brief convulsive phase of firmness' I earnestly believe that this convulsive phase which has been so conspicuous during the last three years, is now at the fag end and that the present gloom and darkness will soon yield to the glorious dawn of Independence. Without freedom to a big and ancient Asiatic country like India, World Peace is a sheer impossibility. A Slave India will ever be a growing menace to international harmony and goodwill. The world, therefore, cannot afford to deny her the 'freedom to be free' <sup>1</sup>

The question naturally arises: 'What kind of Constitution shall Free India have?' Shall we imitate some of the Western constitutions like those of Switzerland, the United States or Russia? Or shall we try to evolve a Swadeshi Constitution based on our national genius, culture and traditions? { To my mind, this question is of supreme importance, it must be answered here and now instead of being postponed to a future date when political power actually devolves on us.

✓ India is a very ancient land. A study of her past constitutional development would indicate that she had enjoyed almost all the possible varieties of political organisation many years before Christ. At a time when Europe and the New World had not even come within the pale of civilisation, India had experimented with monarchy, autocracy, democracy, republicanism and even anarchy. In his 'Hindu Polity,' K. P. Jayaswal tells us of the Bhaujya

<sup>1</sup> 'A Week with Gandhi' by Louis Fischer, p. 59

Svarajya, Vairājya Rashtriya, Dvairājya and Arājaka constitutions in ancient India. Some of these types have, perhaps, not been tried in other countries at all. India, therefore, may be regarded as an ancient laboratory of constitutional development. To manufacture for her a mixture of Western Constitutions, which are yet in the melting pot, will be not only a great insult to India but will also betray gross ignorance of sociological science. For, constitutions are always in the nature of organic growth; it is most unscientific to foist on a country a system of administration foreign to its own genius. 'Administrative systems cannot and should not be transplanted. In the words of Sir John Marriott, 'constitutions are not exportable commodities.'<sup>1</sup> Each nation has its unique culture and civilisation which may be called its 'Soul'. This uniqueness must be evolved and preserved in all phases of national life. Virile and natural diversity is life; dull and imitative uniformity is death.

Let me not be misunderstood. I do not mean to suggest that we should be blind to the experiences of other nations and develop a kind of narrow nationalism. Far from it. But it is high time for us to realise that our sense of 'inferiority complex' must go, and instead of always looking to the West, we should cultivate the habit of looking within. We have aped the West for long; let us now be proud of our Indian culture and institutions in the right spirit.

✓ I go a step further. The type of decentralised demo-

<sup>1</sup> 'Dictatorship and Democracy,' p. 9

cracy that India had carefully evolved and maintained for centuries in the form of Village Republics was not a relic and survival of tribal communism, it was a product of mature thought and serious experimentation. The kind of local self-government which our country had developed in her numberless Village Communities stood the test of centuries of political storms and is still capable of being organised into an ideal form of democratic administration. I do not suggest that the old system of local administration should be re-introduced exactly in the ancient form. Several modifications will have to be incorporated to suit modern conditions of civic life.

Let us cast a glance at the history of constitution-making in India during the twentieth century. I need not mention the Constitutional Reforms introduced by the British Government in 1909, 1919 and 1935. In spite of the definite opinion of British constitutionalists that constitutions cannot be imported, these Reforms were unhesitatingly exported from England to India. They bore no relation to the spirit of renaissance in this country. Mahatma Gandhi was the first leader who directed his attention towards the evolution of an indigenous culture and civilisation. His 'Hind Swaraj' which was written in 1908 contained the basic ideals on which the future Constitution of India should be based. We, then, come across the Congress-League Scheme of 1916. Although it incorporated no special principles and was in line with the British Parliamentary system, the Joint Scheme was an earnest attempt to frame a satisfactory Constitution acceptable to both the Hindus and the Muslims. An 'Outline

Scheme of Swaraj' was prepared by Deshbandhu C. R. Das and Dr. Bhagavandas after the Gaya Congress in 1922. But Dr. Annie Besant accomplished real pioneer work by placing before the country, in consultation with many prominent Indian leaders, 'The Commonwealth of India Bill' in 1924-25. Although Dr. Besant wanted India to remain within the British empire as a Self-governing Dominion, she upheld the ideal of the ancient Village Panchayat system as the basis of our future Constitution. Later, in 1928, was published the Report of the All Parties Conference, popularly known as the Nehru Report. The new constitution of the Aundh State which was framed in 1939 under the guidance of Gandhiji was another landmark in the history of constitutional development. It established Panchayat Raj in the State on completely democratic lines. The latest effort in constitution-making is the well-known Report of the Conciliation Committee under the Chairmanship of Sir Tej Bahadur Sapru.

It is desirable, however, to frame a Constitution with the background of Indian traditions. Unfortunately, most of our leaders have not cared to study the ancient Indian institutions. Gandhiji alone has been laying stress on this aspect of national reconstruction. I, therefore, consulted him regarding the advisability of drawing up a Swadeshi Constitution for Swaraj. He fully appreciated the need for such a Constitution and kindly agreed to give me the necessary guidance. I decided to call the Constitution the 'Gandhian Constitution' because Gandhiji, more than anybody else, symbolises and upholds Indian culture and traditions. Moreover, I have discussed with him al-

most all the details of the Constitution and every attempt has been made to represent his views correctly I cannot, however, hold Gandhiji responsible for every word or thought. The ultimate responsibility is entirely mine.

The brochure does not pretend to be an exhaustive Constitution which could be introduced in our country all at once. It only lays down the fundamental aims and ideals which ought to be incorporated in the future Constitution of Independent India. The idea of 'decentralised democracy,' I must emphasise, is not at all Utopian; it is essentially practical and feasible. After the general elections, the Constituent Assembly will be confronted with the difficult problem of drawing up a suitable constitution. If, at this juncture, this treatise succeeds in provoking thought among our leaders and people regarding the need for framing a Constitution based on indigenous traditions, my labour will have been amply rewarded.

## II

### BASIC PRINCIPLES

I have not the slightest intention of writing out an exhaustive thesis on the principles underlying an ideal political organization. It is, however, necessary to analyse a few principles on which a stable political structure ought to be built up. Without a brief elucidation of such fundamental ideas, the framing of any Constitution would be a futile and meaningless task.

The first point which needs to be clearly understood is that there is nothing like 'the best constitution' for all countries and for all times. Forms of Government must be shaped according to past traditions and present circumstances. 'That constitution is best which at any given moment, in any particular country, most effectively contributes to the end for which all Governments exist'<sup>1</sup> Aristotle was, perhaps, the first thinker to emphasise this standpoint. The State existed to enable the individual to live the highest life of which he is capable, and 'those may be expected to lead the best life who are governed in the best manner of which their circumstances admit.'<sup>2</sup> We must, therefore, judge the State not by some standard of values peculiar to and distinctive of the State, but by 'the standard

<sup>1</sup> 'Dictatorship and Democracy,' p. 217.

<sup>2</sup> Aristotle's 'Politics'

of the quality of the lives lived by its citizens'<sup>1</sup> While the ends of various types of States may be fundamentally identical, their forms are bound to be dissimilar in accordance with local environments.

### THE END OF THE STATE

But what is the End of the State? This question is, indeed, the pivot on which political thought has been continuously revolving from ancient times to this day. To the Greeks, 'the State was the supreme fact of life, and the efforts and actions of individuals had to flow into it just as a river flows into the sea'<sup>2</sup> To the Athenians, citizenship was the highest glory For them, 'the theory of the city was at once ethics, sociology and economics, as well as politics'<sup>3</sup> The city was 'a life in common,' and consequently the fundamental thought in all Greek political theory was 'the harmony of this common life' Plato regarded the State as a macrocosm in which the individual could find his proper place and perform the duties for which he was best fitted. Aristotle believed that the purpose of the State was mainly ethical, it was 'a community of equals, aiming at the best life possible' The Romans did not speculate much on the end of the State, most of their energies were absorbed in the expansion of the Roman Empire During the Middle Ages, the ecclesiastical writers generally regarded the State as an instrument in the hands of God for the defence of Christianity According to Hobbes, the

<sup>1</sup> 'Philosophy for our Times' by Prof Joad, p 331

<sup>2</sup> 'Principles of Political Science' by Gilchrist, p 460

<sup>3</sup> 'A History of Political Theory' by Prof Sabine, p 13

purpose of the State was to maintain order and protect the right of property. To Locke, the end of Government was the preservation of 'lives, liberties and estates.' Rousseau regarded the State as a 'Social Contract' to fulfil the 'General Will.' Hegel revived the Greek theory that the State was the greatest reality. "The existence of the State," wrote Hegel, "is the movement of God in the world" "It is the absolute power on earth ; it is its own end and object." Bentham maintained that the State existed to secure 'the greatest good of the greatest number.' To Herbert Spencer, the State was 'a joint-stock protection company for mutual assurance.' John Stuart Mill passionately advocated the liberty of the individual as the sacred duty of the State. Marx expected the State to 'wither away' after establishing a 'classless society.' In our own times, Prof. Laski regards the State as 'a fellowship of men aiming at the enrichment of the common life.'<sup>1</sup> To Bernard Shaw, the aim of a State ought to be 'the greatest available welfare for the whole population and not for a class' Wells pleads for the establishment of a World State, in which the freedoms, health and happiness of every individual are protected by a universal law based on a re-statement of the rights of man '<sup>2</sup>

Indian political thought is contained mainly in the two epics—Rāmāyana and Mahābhārata, the Manusmṛiti, Kautilya's Artha-Sāstra, and Shukracharya's Nītisāra. The Rāmāyana describes the ideal kingdom of Rama in which

<sup>1</sup> 'Grammar of Politics,' p. 37

<sup>2</sup> 'The New World Order,' p. 122

people were happy, peaceful and prosperous. In Shānti Parva of the Mahābhārata, Bhīṣma enumerates the duties of a Kingdom, the chief end of the State being the 'protection' of the citizens so that they may lead a happy, righteous and harmonious life, following their respective Dharmas or duties. Kāutilya also emphasises the basic principle that the happiness and welfare of the people are the primary duties of the King or the State 'In the happiness of his subjects lies his happiness, in their welfare his welfare'<sup>1</sup> In Shukranīti, the King is primarily 'the protector and benefactor' of his subjects, he has to discipline the lives of the citizens in such a manner that each follows his own vocation of Dharma without encroaching upon the spheres of others

### TOTALITARIAN STATE *vs* TOTALITARIAN MAN

If we carefully study and analyse all these European and Indian political theories regarding the end and function of the State, we shall discern two distinct streams of thought. One set of thinkers attach more importance to the State and subordinate the freedom of the individual to the power of the State. They glorify and deify the State at the cost of the individual. To them the end of the State is the discipline of its citizens by making them mere cogs of a powerful political machine. This stream of thought leads to dictatorship, autarchy or totalitarianism. The other set of political thinkers regard Man as 'the measure of all things'. To them, the freedom and development

<sup>1</sup> 'Arthashastra', p. 38

of the individual is of supreme moment. The function of the State, according to them, is to safeguard the rights of the individual. They respect Man as an end and not as a means. Count Coudenhove Kalergi, in his 'Totalitarian State against Man' classifies these two schools of political thought as 'the Spartan ideal of totalitarian State' and 'the Athenian ideal of totalitarian Man.' In Sparta, Man lived for the sake of the State; in Athens, State lived for the sake of Man. These two political ideologies have also been described as Collectivism and Individualism. Truth lies in the happy fusion of these two streams.

The end or function of the State ought to be a harmonious adjustment of the interests of the individual and the State. To use a different phraseology, our aim should be a poise between Liberty and Authority. The State should facilitate, promote and strengthen mutual accommodation of individual and group welfare. The individual should perform his duty towards the State and the State should safeguard the rights of the individual and enable him to develop his personality to the fullest possible extent. Prof. Tawney expresses the same idea in terms of the 'Functional Society,' i.e., a society in which rights are contingent on functions or social service<sup>1</sup>. In other words, individual rights and freedom ought to be relative, and conditional; they cannot be supreme and absolute.

"Individual liberty," writes Mr. A. G. Gardiner, "would mean social anarchy." "In order that the liberties of all may be preserved, the liberties of everybody

<sup>1</sup> See 'Acquisitive Society' by Prof. Tawney

must be curtailed ” In matters which are entirely personal and which do not touch anybody else’s liberty, we are free to do as we like Says Mr Gardiner : “If I choose to go down the Strand in a dressing gown, with long hair and bare feet, who shall say me nay ? You have liberty to laugh at me, but I have liberty to be indifferent to you And if I have a fancy for dyeing my hair or waxing my moustache (which heaven forbid), or wearing a tall hat, a frock-coat and sandals, or going to bed late or getting up early, I shall follow my fancy and ask no man’s permission.”<sup>1</sup> But the moment we step out of that kingdom, our personal liberty of action becomes qualified by other people’s liberty There are a lot of people in the world, and we have to accommodate our liberty to their liberties.

The doctrine of laissez-faire or absolute individualism is now dead as Dodo It can never hold the field again The modern tendency, however, to sacrifice the personality of the individual at the altar of the State is most reprehensible The formula laid down by Kant is, indeed, very true: “So act as to treat humanity, whether in your own person or in that of any other, in every case as an end, and never merely as a means ” It is, for example, a sin against humanity to exploit and suppress the individual for militarist organization of the State Such regimentation inevitably leads to dictatorships which, to adapt a Shakespearian phrase, are twice cursed; they curse both the ruler and the ruled. The all-powerful State reduces the individuals to mere ciphers. Moreover, such totalitarian states, whether

<sup>1</sup> Essay ‘On the Rule of the Road.’

Fascist or Socialist, are ultimately controlled by one or a few 'Supermen' who rule over the destinies of millions. But man, in order to survive, must get rid of such Supermen, however noble and high-intentioned they may be. 'There is no hope for civilization in Government by idolized single individuals.'<sup>1</sup> The spectacular rise and fall of Hitler and Mussolini are glowing proofs of the futility of arrogant dictatorships. Whether Hitler is dead or still alive, the fact remains that he has been reduced to a myth and a fable.

### RUSSIAN DEMOCRACY

Russia has evolved another type of Government which is generally termed as 'the dictatorship of the proletariat.' The end of the Marxian State is a classless and democratic society. But such a society is sought to be achieved through the ruthless regimentation of the masses with the hope that ultimately the State would disappear. But as Prof. Aldous Huxley remarks, "such a highly centralised dictatorial State may be smashed by war or overturned by revolution from below; there is not the smallest reason to suppose that it will 'wither away' "<sup>2</sup> John Gunther fears: "Russia may become a dictatorship not of but *over* the proletariat "<sup>3</sup> Prof. Joad in his 'Guide to the Philosophy of Morals and Politics,' observes:

"The study of history suggests that dictatorships from their very nature become, as they grow older, not

<sup>1</sup> 'Everybody's Political What's What?' by G. B. Shaw p. 341.

<sup>2</sup> 'Ends and Means,' p. 63

<sup>3</sup> 'Inside Europe,' p. 574

less, but more extreme; not less but more sensitive to and impatient of criticism. Developments in the contemporary world support this view. Yet the theory of Communism postulates precisely the reverse of what history teaches, and maintains that at a given moment a dictatorial government will be willing to reverse the engines, to relinquish power, and, having denied liberty, to concede it. Neither history nor psychology affords any warrant for this conclusion.”

Prof. Ginsberg, in his ‘Psychology of Society,’ points out how ‘any centralized form of government is bound to be oligarchical in tendency.’ Acharya Vinoba Bhave holds the same view because centralization, whether capitalist or socialist, involves violence, suppression and militarism<sup>1</sup>

### CASE FOR DEMOCRACY

The only alternative, therefore, before the world is democracy. It stands, or, at any rate, ought to stand for the unfoldment of human personality within a properly organised government. While it grants freedom to individuals, it constantly reminds them that along with the exercise of their legitimate rights they have also to discharge certain duties towards the State or Society. Lincoln defined Democracy as ‘the government of the people, by the people, for the people.’ Although this Gettysburg motto has been reduced to a hackneyed phrase, it is much more significant than what we usually believe. As Mrs. Eleanor Roosevelt points out, the basis of democracy is moral and

<sup>1</sup> ‘Swarajya Shāstra’ Hindi Ed., pp. 24-25

religious; it implies brotherhood and deep regard for one another so that "our own success, to be real, must contribute to the success of others."<sup>1</sup>

Plato did not favour a Democratic Constitution because it tended to be controlled by a class of 'idle and dissolute men.'<sup>2</sup> That is why he preferred 'the enlightened despotism of the philosopher king' to Democracy. Rousseau held that perfect democracy was not for Man. 'Were there a people of Gods, their government would be democratic.'<sup>3</sup> De Tocqueville concluded that democracy led to a dead level of mediocrity. Sir Henry Maine was afraid that popular government would 'inaugurate an era of stagnation.' Lacky regarded democracy as too meddling and antithetical to liberty. Bismarck scoffed at democracy as 'blubbering sentimentality' The well-known French writer, Faquet, described democracy as 'the cult of incompetence.' To Nietzsche, democracy was 'a degenerating form of political organisation' Voltaire was against democracy because he compared the people to oxen 'which need a yoke, a goad and hay.' In our own times, Bernard Shaw regards Lincoln's definition of democracy as 'romantic nonsense' "The people," writes Shaw, "have obstructed government often enough; they have revolted; but they have never really governed"<sup>4</sup>

Yet the truth remains that democracy is the only type of government which can harmonise the interests of the

<sup>1</sup> 'The Moral Basis of Democracy' p 13

<sup>2</sup> 'Republic, Book VIII'

<sup>3</sup> 'The Social Contract,' Ch IV

<sup>4</sup> 'Everybody's Political What's What?', p 336

individual and the State Although, as I said in the beginning, it is not possible to lay down any one type of Constitution as 'the best' for all countries and for all times, it must be conceded that democracy alone provides the best milieu or environment for the promotion of 'good life' "The admission on equal terms of the largest possible number of members of a community to share in its government on equal terms best promotes the satisfaction of all the members as individuals, and also the welfare of the community as a whole," observes Lord Bryce<sup>1</sup> Moreover, as Prof. Lennard remarks, "democracy is more than a form of government; it is a social ideal, and the difficulty of the ideal is commensurate with its nobility"<sup>2</sup>

Democracy is of immense value because it respects Man "The magic of political democracy," says Mrs. Webb, "lies in its enlargement of human personality"<sup>3</sup> From the standpoint of national morality, points out John Stuart Mill, "the supreme merit of democracy lies in the fact that it promotes a better and higher form of national character than any other polity whatever" From the educational view point, democracy is to be preferred because, as Prof Burns declares, 'the best education is self-education' Democracy taps the sources of political talent which lie beyond the perview of other systems of government

It must be admitted, however, that democracy, like many other good things of life, covers a multitude of sins It is, at present, plagued with numerous evils and short-

<sup>1</sup> 'Modern Democracies,' Vo I p 50

<sup>2</sup> 'Democracy The Threatened Foundations,' p 6

<sup>3</sup> 'Modern State,' p 84

comings. Democracy is, veritably, on trial ; it is at the cross-roads. Let us examine in greater detail the implications of this crisis in democracy

### III

## DEMOCRACY AT THE CROSS-ROADS

The first World War was fought 'to make the world safe for Democracy' and to end War for all time. But the Post-war World was sadly disillusioned. Instead of establishing peace, the Treaty of Versailles laid the foundations of a deadlier second War. Instead of making the world safe for Democracy, the Post-war World was faced with the problem of making the world safe *from* democracy. The violent attempts to usher in a democratic era gave birth to totalitarian regimes in Europe. To fight these Dictatorships, the democratic governments, consciously or unconsciously, banished democracy from their own lands. In terms of the Atlantic Charter the second World War was fought 'to respect the right of all peoples to choose the form of government under which they will live'. But, thanks to the brutal frankness of the United Nations, the Charter was safely sunk in the Atlantic Ocean even during the course of the War so that there might be no cause for disillusionment later. A big 'V' for Victory was, therefore, the only real aim of the recent War. The proceedings of the San Francisco Conference have also proved beyond any shadow of doubt that the sole ambition of the 'Big Three' is to be the 'top-dogs' for all time. Of course, they are ever ready to pay lip-services to freedom and democracy and humour the 'under dogs' by drawing fine distinctions.

between 'self-government' and 'independence.' It is true that the fascist governments of Italy, Germany and Japan have been brought to their knees. But the spirit of Fascism seems to be triumphant more than ever before. "Victory," remarks Prof. Laski, "is in itself an opportunity and not a fulfilment." "It gives democracy another chance; it is not in itself an assurance that the chance will be taken"<sup>1</sup> And it is now almost certain that the chance has been lost once again. "There are no Democracies in the West," remarks Bernard Shaw. "They are only rank plutocracies, all of them now fascist to the finger-tips." These remarks apply almost with equal force to the present Labour Government in Britain because Imperialism and Democracy cannot go together. The only difference is that in place of Churchillian Fascism there will now be the 'Dictatorship of Labour.' The United States, being younger and wiser, do not care for a 'Visible Empire.' But their Invisible Empire is sure to spread its tentacles, and that too, in the name of the 'Four Freedoms.' The U. S. S. R. is the shrewdest of the lot and is out to stride the world like a Colossus for making it 'safe for Socialism.' Thus, the prospects for Democracy even after the Second War are very dark and bleak. And if the United Nations prefer to become Disunited Nations after a few years, the world will be really doomed to complete destruction. The 'Daily Herald,' influential organ of Britain's ruling Labour Party has warned bluntly that "the world is heading with its eyes open, for another war." "At this rate," observes

<sup>1</sup> 'Reflection on the Revolution of our Time,' p. 149

the paper, "we shall soon be mourning Hitler as the sole architect of Allied Unity"

### CAPITALIST DEMOCRACY

The causes of crisis in Western Democracy are not far to seek To use Prof Tawney's phrase, it is the present 'acquisitive society' which is the root cause of our economic and political *malaise* Capitalism can afford to be liberal and suave and sweet so long as its pockets are not touched It offers social reforms and political freedom to the masses but upon the tacit understanding that the political power shall not be utilised to cut at the very root of the capitalist system As soon as its very existence is jeopardised, Capitalism at once throws off the velvet glove that conceals the iron fist The privileged classes continue to pay the pipers so long as they agree to call their tunes But they do not hesitate to employ the forces of leonine violence to preserve their past glory and present luxuries For, what is Fascism after all? Prof Laski defines Fascism as 'the epitaph upon those forces of privilege which seek to imprison the future by defending an obsolete past with violence'<sup>1</sup> In other words, fascism is Capitalist Democracy turned at bay There is, indeed, an inherent contradiction between capitalism and democracy In a capitalist society the motive to production is profit for the owner of the instruments of production In a democracy the citizen seeks, by the use of his political power, to use the authority of the State to increase the material well-being at his disposal

<sup>1</sup>'Where Do We go From Here?'

The union of economic oligarchy and political democracy worked well enough so long as capitalism was in its phase of expansion. But the period of contraction set in after the last War. It resulted in widespread unemployment and gave rise to a curious phenomenon of 'poverty in the midst of Plenty'. The masses tried to exercise their political power for the amelioration of their material well-being. This was a direct challenge to the economic privileges of the owning class. Hence the birth of fascist dictatorships and totalitarianism. Even the so-called democracies of Britain and the United States are intrinsically fascist. The difference between Britain and Germany was only of degree and not of kind. Where the socialist danger was greater, as in Italy and Germany, Fascism was more aggressive and dictatorial.

In the 'Democracies,' Capitalism was not faced with any serious menace; hence it could afford to remain comparatively calm and tolerant. But real democracy is an impossibility in a society which remains divided, to use Plato's terminology, into the 'cities of the rich' and 'the cities of the poor'. "So long as the State expresses a society divided into economic classes, it is always the servant of that class which owns or dominates the ownership of the instruments of production"<sup>1</sup> There can, thus, be no essential change in the character of the present society without a change in its economic postulates. Otherwise, democracy becomes the handmaid of capitalism. The moneyed class, directly or indirectly, controls the legislatures, the press and publishing

<sup>1</sup> 'The State in Theory and Practice', by Prof. Laski, p. 328

houses, educational institutions, and other instruments of propaganda. It exploits democracy to its own ends and ultimately reduces it to plutocracy. As Lord Bryce observes, 'Democracy has no more persistent or insidious foe than the money power'. The enemy is formidable because "he works secretly by persuasion or by deceit, rather than by force and so takes men unawares"<sup>1</sup>. From the old days of 'pocket boroughs' to the modern times of 'lobbying' and 'nursing the constituencies,' the mischievous tale of 'capitalist democracy' remains very much the same.

### DEMOCRACY vs 'MOBOCRACY'

Apart from the unhealthy power of money in modern Democracies, the system of electioneering is very defective and undesirable. The existence of big constituencies makes direct and intimate contact between the voters and the candidates well-nigh impossible. This inevitably leads to 'electioneering campaigns,' the evils of which are only too well known to all of us. Bernard Shaw in his inimitable style describes such election meetings as 'scandalous and disgusting spectacles at which sane and sober men yell senselessly until any dispassionate stranger looking at them would believe that he was in a lunatic asylum for exceptionally dreadful cases of mental derangement'. "The older I grow," continues Shaw, "the more I feel such exhibitions to be, as part of the serious business of the government of a nation, entirely intolerable and disgraceful to human

<sup>1</sup> 'Modern Democracies' Vol. II p 333

nature and civic decency.”<sup>1</sup> The unwieldy constituencies, thus, do not ensure the right choice of the representatives. In place of Democracy, remarks Gandhiji, we see ‘Mobocracy.’ Decent, capable and silent men, therefore, shun the din and dust of such elections and the unscrupulous and ‘thick-skinned’ candidates carry the day with their handy weapons of bribery and corruption. Prohibitive expenses entailed in the elections naturally drive democracy into the arms of the capitalists who ultimately rule the roast.

Moreover, the present system of elections in vast constituencies tends to grow too mechanical and hence dull. The voters do not have any direct knowledge of the candidates who are set up by rigid party organisations or ‘caucuses.’ The elections have hardly any local interest because there is too much centralisation of legislation and administration. The apathy of the voters in all the democratic countries has, therefore, become proverbial. When an election takes place voters have to be virtually dragged to the ‘booths.’ Even in a progressive country like the U S A, on an average less than half the population qualified to vote exercises the privilege. In a system where only ‘hands’ are counted and not ‘heads,’ where votes are only reckoned and not weighed, the intelligentsia cannot be expected to display much enthusiasm.

### POLITICAL ‘CAUCUSES’

The prevalence of well-organised political parties

<sup>1</sup> ‘The Political Mad-House in America and Nearer Home,’ pp. 25-26

leaves scarcely any scope for independent thought and action. An individual may be the best qualified candidate, but if he is not a favourite of the 'party bosses' he stands no chance at the elections. Even the party candidates require constant 'whipping' in the legislatures. I do not mean to suggest that the modern Party System has no merits at all. It is quite useful in educating the electorate on specific issues of national importance. But it must be admitted that modern parties have grown too rigid and crystallized. In the words of A. R. Lord, "the party system seems to be too mechanical a method of dividing opinion to represent the popular will with any approach to exactness"<sup>1</sup> "Our present electoral methods" writes H. G. Wells, "is a mere caricature of representative government" "It has produced upon both sides of the Atlantic, big, stupid, and corrupt party machines"<sup>2</sup> The process of discussions in the Legislatures has become wholly unreal, the result of every important debate being almost a foregone conclusion dictated by the ruling party. The so-called representative Parliaments are, therefore, fast falling into public contempt as mere 'talking shops'.

### CENTRALISATION

The dangers of foreign aggression in a war-obsessed world have resulted in concentration of political power. This excessive centralisation of parliamentary work has reduced democracy to a mirage and a costly show. There is over-congestion of business in Legislatures. This con-

<sup>1</sup> 'Principles of Politics,' p. 162

<sup>2</sup> 'The New World Order,' p. 123

gestion leads to inefficiency, undue delays and waste of time and energy. It also nullifies the very basic principle of democracy. "What touches all must be decided by all."

These, in short, are the drawbacks from which modern democracy suffers. Many other short-comings could be easily enumerated. But it will not be germane to our main purpose. Let it suffice to say that Democracy is really at the Cross-roads. It must survive. But which way shall it go?

## IV THE GANDHIAN WAY

Various ways in which Democracy could possibly tide over the crisis have been suggested by modern thinkers. Ramsay Muir in his 'Is Democracy a Failure?' advocates the system of Proportional Representation with single transferable vote, because under this system it would be quite impossible for a small minority in the country to obtain a large majority, and the composition of Parliament would reflect the balance of opinion in the country. Proportional Representation is also expected to deal a blow to the existence of party caucuses because it would provide sufficient scope for the election of best talents in a country. In addition, Muir suggests the 'Committee System' to relieve the heavy rush of work in the Parliament. While his suggestions are quite practical, they touch only the fringe of the problem. Proportional Representation is good, but by itself it is not enough. Nor will the Committee system solve the essential difficulties involved in administrative and legislative centralisation. Lord Bryce pins hope for democracy on 'the moral and intellectual progress of mankind as a whole'. 'With intelligence, sympathy and the sense of duty, everything would go smoothly'<sup>1</sup>. But such pious hopes will not succeed in

<sup>1</sup> 'Modern Democracies,' p. 666

curing all the ills that plague modern democracies. Some constructive and concrete measures will be required to cope with the complexity of the problem. Prof Laski expects that the ending of the paradox of poverty in the midst of potential plenty by 'the socialisation of vested interests' would make for sound and stable democracy. But is Socialism enough? We have already seen how socialised democracy of the Soviet brand has resulted in totalitarianism and regimentation of the masses. Sir Stafford Cripps stresses the necessity of 'devising forms of government which will weld into one composite whole the efficiency of totalitarian control and planning in the economic field with the cultural and political freedom that democracy alone can provide'<sup>1</sup> But this is only a vague suggestion. Edvard Benes, President of Czechoslovakia lays down a long list of qualifications for a successful democratic leader. 'He should combine in his personality in a very harmonious synthesis a high type of man of great intellectual culture and scientific erudition with keen intuition and instinct, of spirit, of rapid decision and quick action, and of physical and moral courage.'<sup>2</sup> But where shall we find such capable leaders?

As usual, Bernard Shaw has an original suggestion to make. He is of the opinion that adult suffrage kills democracy dead. "I am student of that branch of biology called human nature," writes Shaw in a recent issue of the 'Time and Tide.' "A world in which the voice of the people is the voice of God, and the political capacity and sagacity

<sup>1</sup> 'Democracy Up-to-date' p. 107.

<sup>2</sup> 'Democracy Today and Tomorrow' p. 212.

of every body over the age of 21, infinite and infallible, is to me a fairyland which has never existed and is not postulated in any oracle of mine" Shaw, therefore, suggests that 'Councils of tested qualified persons, subject to the sternest possible public criticism and to periodical removal and replacement, is our safest aim'<sup>1</sup> According to him, business of the democrat is to find some test which will detect the born super-legislator and place him or her on a panel from which our legislators must be chosen. Shaw, thus, believes in what may be called 'Totalitarian Democracy' With due deference to the 'Super-playwrite,' we may ask him: But who shall prescribe the tests for the Superman? Evidently, the super-legislators would discharge this function themselves by posing as 'Saviours' and 'Demigods.' In the last analysis, therefore, Shaw's 'totalitarian democracy' will be all totalitarianism and no democracy.

Which way, then shall Democracy go? My answer is 'It must go the Gandhian Way' This implies two basic principles Non-violence and Decentralisation Let me explain these principles in some detail

### NON-VIOLENCE

According to Mahatma Gandhi, democracy can only be saved through non-violence because 'democracy, so long as it is sustained by violence, cannot provide for or protect the weak' "My notion of democracy is that under it the weakest should have the same opportunity as the

<sup>1</sup> 'Everybody's Political What's What?' p 341

strongest That can never happen through violence.”<sup>1</sup> “Western democracy as it functions today,” continues Gandhi, “is diluted Nazism or Fascism.” “At best it is merely a cloak to hide the Nazi or Fascist tendencies of Imperialism” Again: “Democracy and violence can ill go together. The States that are today nominally democratic have either to become frankly totalitarian, or, if they are to become democratic, they must become courageously non-violent.”<sup>2</sup> Otherwise, constitutional democracy would remain a distant dream. The Capitalist society is exploitation personified, and the essence of all kinds of exploitation is violence. In order to root out exploitation, therefore, a non-violent society or state has to be established. Such a society, of necessity, must be based on economic freedom and equality, because without economic equity there can exist no real political democracy.

How is this economic equality and freedom to be brought about? One way is Soviet Communism which, in practice, means ‘the dictatorship of the proletariat’ or the violent and ruthless suppression of the ‘rentier’ class. Even the life of the proletariat is regulated rigidly to such an extent that freedom and democracy are, more or less, nullified. The remedy, in other words, becomes worse than the disease itself. As Boris Brutzkus observes, “the Leviathan of Hobbes which absorbs the individuality utterly is represented not by the former monarchist state of the West nor by the democratic state of today. it is

<sup>1</sup> ‘Harijan’ 18-5-1940

<sup>2</sup> Ibid 12-11-1938.

represented by the Socialist State”<sup>1</sup> Max Eastman, once an ardent admirer of Soviet Russia, also felt disillusioned later “I now think that an armed seizure of power by a highly organised minority party, whether in the name of the Dictatorship of the Proletariat, the Glory of Rome, the Supremacy of the Nordics, or any other slogan that may be invented, and no matter how ingeniously integrated with the masses of the population, will normally lead to a totalitarian state”<sup>2</sup> And totalitarian state is merely the modern name for tyranny with up-to-date technique Such tyranny, even in the name of the efficiency of the War-machine, inevitably throttles the free and natural development of human personality As John Stuart Mill observes, we should not forget that in the long run ‘the worth of a State is the worth of the individuals composing it’ “A state which dwarfs its men, in order that they may be more docile instruments in its hand even for beneficial purposes, will find that with small men no great thing can really be accomplished”<sup>3</sup> Hence the supreme need for evolving democracy on non-violent lines

### DECENTRALISATION

What, then, is the technique of non-violent democracy? It is Decentralisation Violence logically leads to centralisation, the essence of non-violence is decentralisation Gandhi has always been advocating such decentralisation of economic and political power in the form

<sup>1</sup> ‘Economic Planning in Soviet Russia,’ p 76

<sup>2</sup> ‘Stalin’s Russia and the Crisis in Socialism’ p 12

<sup>3</sup> ‘On Liberty’ (Thinkers Library), p 143

of, more or less, self-sufficient and self-governing Village Communities. He regards such Communities as the models of non-violent organisation. Gandhiji, of course, does not mean that the ancient Indian Village Republics should be revived exactly in the old form; that is neither possible nor desirable. Necessary changes will have to be introduced in view of modern changed circumstances and needs. Moreover, the old Rural Communities were not free from all short-comings. It, must however, be conceded that these Village Communes contained within them the germs of an ideal economic and political maximum organisation in the form of decentralised economy and local self-government. Gandhiji, therefore, is of the definite opinion that the future Constitution of India should be essentially based on the organisation of well-knit and co-ordinated Village Communities with their positive and direct democracy, non-violent cottage economy and human contacts. "That state will be the best," declares Gandhiji, "which is governed the least"\*

The imperative need for the devolution and decentralisation of political power is not a Gandhian 'fad'; it is being recognised by most of the progressive political thinkers of the West. Although pluralists, guild socialists, syndicalists, and anarchists differ in details, they are at one in pleading for devolution of democracy on functional basis. They are all against a highly centralised administration, both economic and political. "If men's faith in social action is to be revived," observes Prof.

<sup>1</sup> 'Hanjani' 25-8-1940.

Joad, "the State must be cut up and its functions distributed" "It must be made possible for the individual to belong to a variety of small bodies possessing executive powers, dealing both with production and with local administration, as a member of which he can once again feel that he counts politically, that his will matters, and that his work is really done for society". It would seem, then, that the machinery of Government must be reduced in scale; it must be made manageable by being made local, so that, in seeing the concrete results of their political labours before them, men can be brought to realise that where self-government is a fact, society is malleable to their wills because society is themselves"<sup>1</sup> "Democracy", writes Prof Cole, "is hostile to centralisation, for it is a spirit which wants freedom to manifest itself *immediately and on the spot*, wherever the need for the expression of a collective will arises" "To canalise it, so as to make it all flow into a single central channel, is to destroy its spontaneity, and to make it unreal"<sup>2</sup> In his 'Fabian Socialism', Prof Cole further observes, "If we want to diffuse widely among ordinary men and women a capacity for collective activity and an understanding of public affairs we must set out to build our society upon little democracies of workers . ." According to Prof Aldous Huxley, 'the political road to a better society is the road of decentralisation and responsible self-government'<sup>3</sup> Centralization of power results in curtailment of individual liberties and a pro-

<sup>1</sup> 'Modern Political Theory,' pp 120-121

<sup>2</sup> 'A Guide to Modern Politics,' p 532

<sup>3</sup> 'Ends and Means' p 63

gressive regimentation of the masses even in countries hitherto enjoying a democratic form of government. We are apt to forget that, after all, democracy is made for man and not man for democracy. Democracy is only a means to an end; it must therefore be adapted and adjusted to the social and psychological conveniences of human beings. Modern Sociology upholds the principle that 'Man is happiest when living in small communities'<sup>1</sup> If we neglect this 'human factor' and do not create small harmonious groups, points out Roy Glenday, all grandiose schemes for constructing a new world order are destined to founder "Without group ties a man is like an oyster without its shell," observes Karl Mannheim To use Prof Ginsberg's phrase, it is the consciousness of kind' which brings together the individuals of a group into ties of fellowship. Such ties of sentiment and loyalty which are essential for the functioning of real democracy are missing in the modern types of centralised democratic governments That is why Prof Adams, after analysing the drawbacks of modern representative States, wants us 'to go to the root of the trouble and pursue a bold policy of devolution, of decentralisation'<sup>2</sup> Prof Laski favours decentralisation because 'obedience is rarely creative in a highly centralised state, it becomes mechanical and inert' "Centralisation makes for uniformity; it lacks the genius of time and place."<sup>3</sup> Lewis Mumford, the well-known Sociologist, recommends the

<sup>1</sup> 'The future of Economic Society' by Roy Glenday, p 251

<sup>2</sup> 'The Modern State' p 235

<sup>3</sup> 'An Introduction to Politics,' p 53

building up of 'small balanced communities in the open country' Such small communities enjoying a very large measure of local self-government become the proper training grounds of true and vital democracy. They are an invaluable anti-dote against the bureaucratic spirit and facilitate an informed discussion and appropriate solution of local problems "It was in small communities," declares Lord Bryce, "that Democracy first arose : it was from them that the theories of its first literary prophets and apostles were derived . it is in them that the way in which the real will of the people tells upon the working of government can best be studied, because most of the questions that come before the people are within their own knowledge"<sup>1</sup> Elucidating the advantages of local self-government in villages and communes, Dr. Beni Prasad states:

"The perfect unit of self-government is a familiar environment in which, as Aristotle would say, people can know one another's character In villages, townships or communes, autonomy reproduces the advantages of direct democracy, rousing civic patriotism, lifting the individual beyond himself, encouraging habits of co-operation, training the judgment and imparting administrative experience to millions who cannot hope to enter representative assemblies or services at a distance Local self-government in towns or districts lightens the burden of central legislatures and administrations In the big states of the modern world, it has the sovereign merit

<sup>1</sup> 'Modern Democracies' Part II, p 489

of preventing the individual from being submerged in huge electorates. These tend to inspire a sort of awe, a sense of individual impotence like that which man feels when he contemplates the majestic and eternal forces of the inanimate world. The resulting fatalism of the multitude is best corrected by local self-government"<sup>1</sup>

### GREEK CITY STATES

In Europe, the City States of Ancient Greece enjoyed direct local autonomy. The supreme political power was vested in the whole body of citizens. "That body," writes Lord Bryce, "was at once a Parliament and a Government, an Executive, Legislature, and Judiciary in one." As there were day-to-day intimate social contacts between the citizens, there was no need for any organised political parties. Nor were there any whirl-wind election campaigns because the small size of the Greek Republics made it easy to bring within the hearing of one voice a majority of all who were entitled to vote in the Popular Assembly and enabled everybody to form his opinion on the personal qualities of those who aspired to leadership or to office. The city states were, of necessity, small because corporate life was possible only in such states. Plato's ideal of the best state was that which approaches most nearly to the condition of the individual: if a part of the body suffers the whole body feels the hurt and sympathises all together with the part affected. This ideal was possible of realisation only if the State was a small

<sup>1</sup> "The Democratic Process," pp. 249-50.

harmonious group For the Greeks, the City was a 'life in common', its Constitution, as Aristotle said, was a 'mode of life' rather than a legal structure.

I do not suggest that the Greek City States were perfect ; they had their own short-comings and blemishes Who can defend their system of slavery, for example ? But, we must admit that, because of their harmonious and peaceful common life, they, and specially Athens, developed into the dynamic nurseries of European thought and culture As Prof Delisle Burns points out, Athenian life and liberty were productive "Indeed, the history of Athens is more concerned with artists, poets, philosophers than has been the history of any other city No other people have ever produced in so short a time such great achievements in architecture, sculpture, drama and philosophy"<sup>1</sup>

### INDIAN RURAL REPUBLICS

Local self-government was practised in many small village communities of different countries in Europe before the Industrial Revolution A good account of their co-operative life is given by Prince Kropotkin in his "Mutual Aid" China and Japan have also been one of the oldest homes of such decentralised rural organisations We can, however, be legitimately proud of the fact that this institution of Local Self-government was 'developed earliest and preserved longest in India among all the countries of the earth'<sup>2</sup> The Village Communes exist-

<sup>1</sup> 'Political Ideals' p 41

<sup>2</sup> 'The Economic History of India' by R C Dutt.

ted in our country from times immemorial. It is believed that the system was first introduced by King Prithu while colonising the Duab between the Ganges and the Jamuna. In the *Manu-smṛiti* and the *Shanti-Parva* of the *Mahābhārat*, there are many references to the existence of 'gram-sanghas'. A description of these Rural Communities is also found in the *Artha-shastra* of Kautilya who lived in 400 B.C. In the *Valmiki Ramayana* we read about the *Jānapada* which was, perhaps, a kind of federation of numerous village-republics. It is certain that the system was widely in existence in this country at the time of Greek invasion. Megasthenes has left vivid impressions of the 'Pentads', as he called these Panchayats. Chinese travellers, Hsün Tsang and Fa Hien, tell us how India at the time of their visits was very prosperous and the people were 'flourishing and happy beyond compare'. An account of the Village Commonwealths during the Seventh Century is found in Shukracharya's '*Niti-Sara*'.

In fact, the village in India has been looked upon as the basic unit of administration as early as the earliest Vedic Age. *Grāminī* or the leader of the village is mentioned in the *Rigveda* (X 62 11, 107 5). Reference to the Gram-Sabhas or the local village assemblies are found in the *Jātakas* as well. *Shreni* was the well-known term for merchant guilds. "The village continued to be regarded as a corporate political unit throughout the Post-Vedic period. Thus in the *Vishnu* and *Manu Smṛitis* the village is reckoned as the smallest political unit in the state

fabric”<sup>1</sup> The Dharma Sutras and Dharma Shastras contain frequent references to *Gana* and *Puga*, both of which terms seem to have denoted the village or town corporations. Archaeological evidence in the form of numerous ancient Inscriptions also confirms the testimony of literature regarding the prevalence of these local self-governing institutions.

The Indian Rural Republics continued to flourish during the Hindu, Muslim and Peshwa governments till the advent of the East India Company. They survived the wreck of dynasties and downfall of Empires. “The independent development of local government provided like the shell of the tortoise, a haven of peace where the national culture could draw in for its own safety when political storms burst over the land”<sup>2</sup> The Kings received only State Revenues from the Village Commonwealths and generally did not interfere with their local government. As Sir Charles Trevellyn remarks, ‘one foreign conquerer after another has swept over India, but the Village Municipalities have stuck to the soil like their own Kusha grass’ “India has undergone more religious and political revolutions than any other country in the world,” observes Sir George Birdwood. “But the Village Communities remain in full municipal vigour all over the peninsula. Scythian, Greek, Saracen, Afghan, Mongol, and Maratha have come down from its mountains, and Portuguese, Dutch, English, French, and Dane up

<sup>1</sup> ‘Corporate Life in Ancient India’ by R. C. Majumdar, p. 141,

<sup>2</sup> ‘Local Government in Ancient India’ by Dr. Radha Kumud Mookerji, p. 10

out of its seas, and set up their successive dominations in the land ; but the religious trades-union villages have remained as little affected by their coming and going as a rock by the rising and falling of the tide.”<sup>1</sup> In his famous minute of 1830, Sir Charles Metcalfe, the then Acting Governor-General of India wrote :

“The village communities are little republics, having nearly everything they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down ; revolution succeeds revolution ,.... but the village community remains the same .... This union of the village communities, each one forming a separate little state in itself, has, I conceive, contributed more than any other cause to the preservation of the peoples of India, through all the revolutions and changes which they have suffered, and is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence. I wish, therefore, that the village constitutions may never be disturbed and I dread everything that has a tendency to break them up.”<sup>2</sup>

But Fate willed it otherwise. The inordinate and unscrupulous greed of the East India Company caused gradual disintegration of these Gram Panchayats. The deliberate introduction of Ryotwari system as against the Village Tenure system, dealt a death blow to the cor-

<sup>1</sup> ‘Industrial Arts of India’, p 320

<sup>2</sup> ‘Report, Select Committee of House of Commons, 1832.’

porate life of the Village Republics. The centralisation of all executive and judicial powers in the hands of the British bureaucrats also deprived the village functionaries of their age-long powers and influence.

In his "Village Communities in the East and West", Sir Henry Maine observes that the 'Indian Village Community was a living and not dead institution'. Baden-Powell has given us an exhaustive account of these village settlements in "The Indian Village Community". Prof Altekar's "History of Village Communities in Western India" is a valuable record of the working of rural commonwealths in our country. But by far the best treatment of the subject is to be found in Dr Radhakumud Mookerji's "Local Government in Ancient India" and Dr Radhakamal Mukerjee's "Democracies of the East".

It would, however, be foreign to the purpose of this brochure to go into the details of the organisation of the Indian rural republics. Suffice it to say that one of the saddest results of British rule in this country is the effacement of this system of village self-government. Britain has tried to set up a Local Self-government on her own lines, an exotic, instead of one on Indian lines. That is why it has been a tragic failure. As Dr Annie Besant observes, "the officials keep the old names, but the old Panchayat<sup>1</sup> was elected by the house-holders of the village and was responsible to them, now the officers are responsible to Government officials and their interest lies

<sup>1</sup> In "The Political Institutions and Theories of the Hindus," Dr B. K. Sarkar points out that the Village Councils came to be described as 'Panchayats' during the Middle Ages.

in pleasing these, not in satisfying the electors, as of old.”<sup>1</sup>

Though not without drawbacks, the Indian Village Republics were remarkable experiments in genuine democracy and local self-government. The modern development of centralised control without sufficient local and corporate life has everywhere made politics barren and mechanical. There is also an endless conflict between the interest of the individual and the Group or State. But the Indian rural Panchayats very successfully integrated these conflicting interests and made socio-political life human and productive. As Acharya Vinoba Bhave puts it, each individual in these Gram Sabhas was his own king; yet he was bound in indissoluble ties to his fellow-citizens.<sup>2</sup> While there was full scope for the development of his personality, every citizen was a responsible and useful member of the small state. The decentralisation of political power as manifested in the Village Communities was, of course, very much different from the Western type of devolution or decentralisation. Indian decentralisation was both functional as well as territorial, with the result that there was harmony of social interests and spontaneity of political life.

The Indian Rural Communes were free from most of the evils that infect modern democratic governments. Since ‘money economy’ was hardly existent, the scope for bribery and corruption was next to nothing. Absence of organised and aggressive capitalism saved democracy

<sup>1</sup> ‘India Bond or Free?’, p. 29

<sup>2</sup> ‘Swarajya-Shastra’ (Hindi Edition), p. 47

from being 'pocketed' In the small constituencies, elections were mostly unanimous and instinctive, those village elders who commanded universal respect were chosen by the village as a matter of course without wasting a single pie on 'electioneering'. Due to widest decentralisation and local-government there was scarcely any chance of congestion of work in the rural assemblies Indian democracy, thus, was direct, virile, positive, productive and non-violent, as against modern democracy which is mostly indirect, dull, negative, unproductive and violent It is, desirable therefore, to resuscitate indigenous institutions and make them the basis of the future Constitution for Swaraj As Dr Radhakamal Mukerjee aptly comments, Indian type of decentralised democracy will not only be "more adaptive and lifegiving than the imitation of Western political methods, but will also be a distinctively Eastern contribution to the political history of man, infatuated as it is with the strange and tangled game of aggressive powers and colossal Empires of the West " Continues Dr Mukerjee :

"It will furnish the basis of a new type of polity which in its co-ordination of diverse local and functional groups will be more satisfying in the State constructions of the future than the centralised structures of the Romano-Teutonic mould or the later parliamentary pattern And, indeed, the constructions based on the communal and synthetic instinct of the East Asian culture will furnish rich and valuable data for utilisation in this era of new social and political experiments, if only the present intellectual and moral

rally of the Asiatics will continue. Humanity all over the world is imprisoned in the bleak institutional orderliness of a mechanical and exploitative type of State. And nothing is more needed today than a new principle of social constitution which will once again orient man and his allegiances in natural and elastic groups for a freer expression of his gifts and instincts.”<sup>1</sup>

### ECONOMICS OF DECENTRALISATION

Apart from the immense potentialities of Village Communism, the organisation of decentralised rural commonwealths is highly conducive to equitable economic distribution. The present capitalist society, in which the means of production are controlled mainly by the bourgeois class, has failed to establish enduring peace and real prosperity in the world. Socialism, on the other hand, has mercilessly rooted out the rentier class altogether. While it has raised the standard of living of the masses by capturing the instruments of production, Soviet Communism is, by no means, an unmixed blessing. Its huge and powerful machinery of Planning has reduced individuals to, more or less, non-entities and automatons. Moreover, Russia has also begun to spread its ‘wings’ over the neighbouring countries. However high her intentions may be, we cannot afford to view U.S.S.R.’s role in International politics with equanimity. We cannot favour any type of Imperialism, whether Capitalist or Socialist. Large scale and centralised Socialism tends to grow aggressive and ‘Imperialist’, it cannot, therefore, herald a new

<sup>1</sup> ‘Democracies of the East,’ pp. xxv-vi.

world order in which Peace, Welfare and Freedom are guaranteed to all countries, big or small.

What, then, is the solution? Decentralised Cottage Industrialism shows the way. The Indian village communities had evolved a well-balanced economic system by eschewing the two extremes of *laissez faire* and totalitarian control. After serious experimentation they had discovered a golden and happy mean between Capitalism and Socialism. They had developed an ideal form of co-operative agriculture and industry in which there was scarcely any scope for exploitation of the poor by the rich. As Gandhiji puts it, production was almost simultaneous with consumption and distribution. Commodities manufactured in cottages and domestic factories were for immediate use and not for distant markets. Such small scale and localised production on a self-sufficiency basis automatically eliminated capitalist exploitation. It virtually established economic equality without either ruthlessly curtailing individual liberty or allowing a few individuals to boss over others. Needless to mention that, according to Gandhian ideals the decentralised cottage industries should be organised on a co-operative and not capitalistic basis. If a few capitalists are allowed to control the domestic factories as in Japan, the cottage workers will continue to be exploited as mere labourers.

The ancient village communities had their own defects. The rigid caste system, for example, which created irrational distinctions in society was highly deplorable. There were a few moneyed Seths even in those days. The communities lacked proper co-ordination in political and

economic affairs. Their general standard of living might not have been sufficiently high to be attractive to us today. Nevertheless, these rural republics were the product of mature Indian thought and incorporated principles of economic organisation which, if properly woven together, can still present to the war-torn world a happy prescription for the numerous ills that harass us day and night.

Economics of Decentralisation would also spare us from the evils of excessive mechanisation. "Owing to the extensive use of machinery and division of labour," declares Karl Marx, "the work of the proletariats has lost all individual character, and consequently all charm for the workman." "He becomes an appendage of the machine. . ."<sup>1</sup> In the modern manufacturing process the worker is transformed into "a cripple and a monster." On the other hand, "the independent peasant or handicraftsman develops knowledge, insight and will."<sup>2</sup> Although Karl Marx recognised the disadvantages of mechanised large scale production, he hoped that they would be eliminated in a Socialist State. But 'rationalised' mechanisation, whether in a capitalist or socialist society, is sure to exercise its unhealthy influence on the physical, intellectual and moral well-being of the workers. "The elimination of exploitation by the abolition of private ownership of production and distribution," writes Prof. Borsodi, "does not reach the root of the trouble" "The factories' ineradicable attributes will still remain to plague mankind."<sup>3</sup> Gandhiji,

<sup>1</sup> 'The Communist Manifesto'

<sup>2</sup> 'Das Capital.'

<sup>3</sup> 'This Ugly Civilisation'

therefore, is against modern industrialisation. It is very wrong to think, however, that he is hostile to all types of machinery. What he objects to is the "indiscriminate multiplication of machinery." Observes Gandhiji:

"Mechanisation is good when the hands are too few for the work intended to be accomplished. It is an evil when there are more hands than required for the work, as is the case in India."

Today, machinery has reduced workers to ciphers, they have lost their individuality in huge factories with giant machines working noisily day and night. But small and efficient machines which could be beneficial to the millions of peasants and artisans by lightening their labour will be certainly welcomed by Gandhiji.

able to employ about 10 million people. But what about the rest? The Indian farmer himself is only partially employed; he is badly in need of supplementary industries to add to his meagre income. Cottage industrialisation on a mass scale is, therefore, the right solution. Instead of "mass production," there should be organised production by the masses in the numberless village communities. A few heavy or 'key' industries will, of course, be necessary for modern economic planning. But Gandhiji is of the definite opinion that such key industries should be State-owned and State-managed.

Let us not fear that the cottage industries in our rural republics will be 'uneconomical'. Henry Ford, who is one of the most eminent industrialists that the modern world has produced, declares that 'as a general rule, a large plant is not economical'<sup>1</sup>. There is therefore, no point in centralising manufacturing process. "A product," states Henry Ford, "that is used all over the country ought to be made all over the country in order both to save transportation and to distribute buying power more evenly." Ford's eventual ideal is "complete decentralisation in which plants will be small and so situated that the workers will be both farmers and industrialists." "That would make not only for a more general independence on the part of the individual but also would make for cheaper goods and cheaper food"<sup>2</sup>. Lewis Mumford is also of the view that 'small units capable of diversified production and quick adaptation, are more economic than large units'<sup>3</sup>.

<sup>1</sup> 'Today and tomorrow,' p. 109

<sup>2</sup> 'Moving Forward,' p. 157

<sup>3</sup> 'The Culture of Cities,' p. 342.

The capitalistic society, with its large-scale and centralised production has so often hurled the world into bloody and devastating wars. Should all this tragic loss of life and money not be included in the costs of largescale production? This practical consideration renders mechanised production very costly and uneconomical, indeed.

The Economics of Decentralisation has been discussed more exhaustively in my "*Gandhian Plan*". It would be irrelevant to go into all the details in this brochure.

### PHILOSOPHY OF DECENTRALISATION

It must be clearly understood that Gandhiji does not advocate decentralisation only because of its economic and political advantages. To Gandhiji decentralisation envisions and upholds the cultural or spiritual ideal of "simple living and high thinking". "The mind is a restless bird," says Gandhiji. "The more it gets, the more it wants, and still remains unsatisfied. The more we indulge our passions, the more unbridled they become. Our ancestors, therefore, set a limit to our indulgences. They saw that happiness was largely a mental condition. They saw that our real happiness and health consisted in a proper use of our hands and feet"<sup>1</sup> Gandhiji, thus, regards simplicity as a cultural and moral necessity. The celebrated scientist Prof. Einstein holds the same view.

"Possession, outward success, publicity, luxury—to me these have always been contemptible. I believe that a simple and unassuming manner of life is best

<sup>1</sup> 'Hind Swaraj,' pp. 87-88

for everyone, best for both the body and the mind.”<sup>1</sup>

But simplicity does not mean voluntary poverty and ‘loin-cloth’ existence for all time. Gandhiji’s standard of necessities and minimum comforts is quite high. But luxuries have no place in his “good life.” He does not hanker after raising merely the ‘standard of living’; he wants to raise the ‘standard of *life*’

Allied to the ideal of simplicity is the consideration of ‘human values’ as against the ‘metallic values’ of life. To Gandhiji, ‘man is the supreme consideration,’ or as Protogoras put it, ‘the measure of all things.’ In place of ‘Money Economy’ he advocates ‘Life Economy.’ It is his emphasis on the human side of social and economic reconstruction which forms the ideological background of the Khadi and Village Industries movement. “Khadi spirit means fellow feeling with every human being on earth.”<sup>2</sup> The ancient Indian village communes, with their co-operative spirit, embodied the same morality. To the modern ‘economic man’ there is no God other than Gold. But Gandhiji would not like us to gain the whole world at the cost of our Souls

Sanctity of physical labour is another fundamental conception in the Gandhian philosophy of decentralisation. “It is a tragedy of the first magnitude that millions have ceased to use their hands as hands”<sup>3</sup> “We are destroying the matchless living machines, i.e., our own bodies, by leaving them to rust and trying to substitute life less machi-

<sup>1</sup> ‘I Believe,’ p. 70

<sup>2</sup> ‘Young India,’ 17-2-1927.

<sup>3</sup> ‘Young India,’ 22-9-1927.

nery for them ”<sup>1</sup> From Gandhiji’s view-point, Labour is Life , it is a blessing and not a curse.

A little reflection would indicate that these ideals of Simplicity, Human Values and Sanctity of Labour are, in the last analysis, founded on non-violence which is the bed-rock of Gandhian thought “As I was picturing life based on non-violence,” observes Gandhiji, “I saw that it must be reduced to the simplest terms consistent with high thinking ” “Society based on non-violence can only consist of groups settled in villages in which voluntary co-operation is the condition of dignified and peaceful existence... The nearest approach to civilisation based upon non-violence is the erstwhile village republic of India . I admit that it was crude I know that there was in it no non-violence of my definition and conception But the germ was there ”<sup>2</sup> Gandhiji, consequently, passionately pleads for a civilisation founded on ‘Villagism ’ “Rural Economy as I have conceived it eschews exploitation altogether, and exploitation is the essence of violence ”<sup>3</sup>

According to Mahatma Gandhi, non-violence is ‘the greatest force in the world ’ It is the supreme law of life “All society is held together by non-violence even as the earth is held in her position by gravitation ”<sup>4</sup> Or, as T H Green would put it, ‘Will, not force, is the basis of the State ’<sup>5</sup> The utter futility of violence has been conclusively demonstrated by the two World Wars, and as President Tru-

<sup>1</sup> Young India, 8-1-1925

<sup>2</sup> Harijan, 13-1-1940

<sup>3</sup> Harijan 4-11-39

<sup>4</sup> Ibid, 11-2-39

<sup>5</sup> ‘Principles of Political Obligation ’

man recently declared, Civilization cannot survive another War. The phenomenal development of science has clinched the issue. The choice before the modern world is not between violence and non-violence, but between violence and science. We cannot afford to have both science and violence. The Atom Bomb is a glowing proof of this contention; it is the logical conclusion of science wedded to violence. It is further rumoured that America has invented another Bomb before which the present Atom Bomb would appear to be a mere fire-work. In the name of civilization and humanity, therefore, there is no other choice before us but the complete renunciation of the creed of violence. Instead of attempting to annihilate the world with an atom bomb we have to learn to perceive the whole Universe in the tiniest atom. Without such a vision, the world is sure to perish.

### THE SOCIOLOGICAL ASPECT

Decentralised Village Communism should be promoted from the sociological standpoint as well. 'Open-air rural life' in place of modern congested cities will improve national health and hygiene. The hectic and noisy urban life slowly though surely tells upon our nerves and causes very great strain both to the body and the mind. Rural communes with their peaceful life of health-giving labour in the fields, cottage factories and workshops, would impart joy and vigour to society which is fast growing dull and mechanical.

Besides the considerations of national health, 'back to village movement' is essential even for the biological

survival of human beings. There has been for the past few decades a steady decrease in the populations of several industrialised countries of the West. Malthus was haunted by the spectre of over-population, but modern biologists are worried over the prospects of decreasing population and deterioration in the quality of the human species. That the fecundity of the urban population is much less than that of the rural areas is a well-established principle of Sociology. As Prof. Lancelot Hogben points out, the lower fertility is due to urban congestion, alternative distractions which compete with the satisfaction of the claims of parenthood, and the impact of a new pattern of social relations on the stability of the family group. Excessive mechanisation tends to mechanise life itself. "In the city," comments Prof. Hogben, "reproduction is an unwarranted intrusion of hospital practice on the orderly routine of a mechanised existence." "The machine, which neither creates nor begets, sets the fashion of human relationships."<sup>1</sup> On the contrary, in rural surroundings where children grow up in contact with the recurrence of parenthood in animals and plants, the processes by which life renews itself are accepted as natural events. City life is not the special characteristic of the capitalist society. A socialist state will also be confronted with the task of planning for 'human survival'.

Village Communism would also make for social harmony and social security. The village communities in the past regarded themselves as big joint-families, the misfortunes of an individual were the misfortunes of the

<sup>1</sup> 'What is Ahead of Us?' p. 184

whole village. If a person suffered from theft the rest of the community ultimately made up the loss. If a villager's cottage was accidentally burned down, members of the village would contribute the building materials and build up the cottage once again. If the head of a family suddenly died, the orphans were looked after and supported by the whole community. Marriages or deaths in one family were deemed to be the common concerns of the village. Division of labour and professions in the community provided automatic insurance against unemployment. It is true that petty jealousies, rivalries, and feuds were not altogether absent. But that only indicates that the harmony of the village communities was not the peace of the graveyard

### JOY IN LIFE

Restoration of village life would mean renewed gaiety, enjoyment and recreation to the masses. In his "Corporate Life in Ancient India," Dr. Majumdar describes the amusements in Indian villages from the remotest antiquity. In the Vedic period there were club-houses which were later known as '*goshthis*'. After day's hard work people used to meet in the evening and amuse themselves with music, dancing, story telling and discussion of local news. As early as the Maurya period, village concerts used to be arranged on occasions of holidays and festivals. Here too, as in other aspects of village life, the villagers were actuated by a spirit of brotherhood and co-operation. Not to co-operate in such public festivities was regarded as a sin against the community. These ancient traditions continue to this day in our villages. Fairs were and still

are very common in rural areas. With their folk-dances, folk-theatres, wrestling matches, and bhajan-kirtans, the villagers make their lives a real joy.

As against these simple joys of life with the background of hard and honest physical labour, we have in crowded cities the mechanised and lifeless entertainments like the gramophone, cinema and radio. Punctuating his movements with the speed of the machines, the modern man is forced to bind down his life to a drab routine. He loses that vital 'human touch' which makes life worth living. Lured by leisure, he is again compelled to seek diversion in mechanical entertainments. His heart grows mechanical, his thoughts get stereotyped. He desperately tries to drink to the dregs the joys of life, but ends by drinking death.

### ART AND BEAUTY

Modern town-dwellers feel proud of their Art and Beauty. But their artificial life and 'flower-pot' civilisation is capable of producing only crystallized and standardised art which lacks essential vitality and depth. In the Court of the Dollar King even art and beauty are interpreted and valued in terms of Gold, 'the Crown of Wild Olive' affords no attraction. From the standpoint of simple and natural beauty the soaring skyscrapers which are the glories of modern cities are nothing better than congested pigeonholes. The villagers pass their life in open and healthy cottages—I am not talking of the dark and dilapidated hovels in our country which are only the relics of past glory, they live in the very lap of Nature. The village artisans join work with a great ethical principle—the

service of the society; they find joy in their work. "As a result they create good and beautiful things, they sing at their labour"<sup>1</sup> Their ladies also sing sweet songs early in the morning while grinding corn for the day, they often dance with joy with their bright metal pots delicately poised on their heads, while on their way to the village well. The simple elegance of their wall paintings, the robustness and virility of their poems and folk-songs, the direct realism of their dances and dramatics, and the variegated beauty of their handicrafts have a uniqueness which we sadly miss in the so-called civilised art and literature.

In an ancient country like India art and culture spread from the forests, cottages and villages to towns. The fountain-springs of deep thought and emotion were found in the hearts of the Rishis who lived a quiet and peaceful life in rural surroundings. Monumental poetical works like the Ramayana and the Mahabharat were not composed by University professors and 'learned poets'; the immortal fresco paintings of Ajanta were not the creations of the Directors of Art Galleries. In their genuine joy of creation, the saint-painters did not even care to leave any traces of their names for posterity. They did not discuss the fine theories of 'Art for Art's sake' or 'Art for life's sake', to them life itself was the greatest art.

### NATIONAL DEFENCE

Decentralisation and ruralisation are imperative for successful defence against foreign aggression; they alone

<sup>1</sup> 'Co-operative Democracy' by J B Warbasse, p 4.

can defy modern warfare. The centralised industries provide an easy target for air-bombing so that a few bombs can successfully dislocate the whole national economy. Thus, from the strategic point of view a country with its large-scale industries concentrated in a few big towns becomes highly vulnerable. The remarkable organisation of the Industrial Co-operatives in China is, perhaps, the chief factor which enabled the Chinese to withstand Japanese aggression for so many years. The Indusco movement made almost all the Chinese villages self-sufficient in regard to the necessities of life by spreading a network of cottage industries in the remotest corners. "In a world subject to periodical outbreaks of intense and prolonged war, so far as possible the production of essential requirements like food-stuffs and clothing must be available locally, and dependence on distant markets might be fatal in times of serious stress. When decentralisation of production is becoming a dire military necessity it would be sheer madness to neglect the admirable system of decentralised production already existing in this country"<sup>1</sup>

### INTERNATIONAL HARMONY

Various schemes have been suggested for the maintenance of world peace and international harmony. The Covenant of the League of Nations aimed at the settlement of international disputes by conciliation and arbitration. But the whole edifice crumbled down in face of the fury of Fascism. The San Francisco Conference has now drawn

<sup>1</sup> Report of the Fact Finding Committee (Hand Looms & Mills)  
p 207

up another Charter for world peace. But its essence is the domination of the 'Big Three' over the rest of the world. The U. S. A., Soviet Russia and Britain would naturally be the 'bosses' of the proposed International Police Force. And what will such a Force do if the Allies fall out among themselves?

Many eminent thinkers have underlined the necessity of a World State for abolishing international anarchy. Ely Culbertson has recently appealed to the United Nations. "to establish without undue delay a workable international organisation (the World Federation) separate from the governments of sovereign states, based on a higher law to which all states are equally subject, and supported by a separate World Police so that all may be protected in collective defence and each may be protected even against all"<sup>1</sup> Sir William Beveridge in "The Price for Peace" pleads for the establishment of a "Super-national authority' backed by the Force of the 'Big Three.' Sumner Welles is anxious that there should be a World Organisation on a regional basis<sup>2</sup> All these schemes postulate collective security and disarmament. But they do not tackle the problem at the right end.

It needs hardly any argument to state that the basic cause of all wars is economic exploitation and inordinate greed for capturing world markets. After the recent War, the Allies are now hastily planning to increase their exports in order to maintain a high standard of living at home. This imperialist race for markets is sure to engender

<sup>1</sup> 'Total Peace', 193

<sup>2</sup> 'Time for Decision'

mutual jealousies and conflict, ultimately leading to another World War, the calamitous consequences of which we shudder even to visualise. In order to banish war, therefore, Capitalism and its corollary Imperialism, have to be abolished. "Peace between states," writes Prof Laski, "depends upon peace within states"<sup>1</sup>. And peace within states is impossible without an equitable system of distribution. Such a system can flourish only under decentralised industrialism on co-operative foundations. Cottage economy would deal a decisive blow to greedy Imperialism and, thus, spell international harmony. What we need is, therefore, economic disarmament and not mere military disarmament. "The more local and regional loyalties flourish within the great States, the less danger is there that aggressive Nationalism will be able to tear the world to pieces"<sup>2</sup>.

### PHYSICIAN, HEAL THYSELF!

It is a tragic irony of fate that decentralisation has been prescribed by the United Nations for vanquished Germany. At the Potsdam Conference the 'Big Three' decided that "local self-government shall be restored throughout Germany on democratic principles," and that "emphasis shall be given to the development of agriculture and *peaceful domestic* industries". Whatever others might think, I sincerely believe that such decentralised economic and political administration in Hitler's Land would bring peace and lasting prosperity. It is significant that "peace-

<sup>1</sup> 'Where do we go from here?' p. 125

<sup>2</sup> 'A Guide to Modern Politics' by Prof Gale, p. 370

ful domestic industries" should be introduced in a country which carried violence to its logical conclusion. The tragedy, however, is that decentralisation in Germany has not sprung from within ; it has been forcibly imposed from without. Nevertheless, the Victors need not indulge in frenzied jubilations. Let me cry out to the Allies, "Physician, heal thyself!" If the United Nations also introduce within themselves the new Order that they have complacently prescribed for Germany, abiding world peace is assured because the very urge for aggression would wither away. Otherwise, the world shall once more rush headlong into unprecedented disaster.

Our critics may turn round and ask: "Why do you prescribe for India a system which has been imposed on Germany to keep her under eternal bondage?" My immediate answer is. "If Free India introduces such a system out of her own free will, she would not only be peaceful within but also diffuse peace without. Like Germany she will not be an insulted and crushed nation always aspiring stealthily to gather her violent strength once more for world domination. India would stand like a shining Lighthouse always guiding other nations amid the darkness of exploitation and imperialism. She would neither exploit other nations nor allow any country to exploit her.

#### IS IT MEDIEVALISM ?

The most hackneyed criticism levelled against Gandhism is that it puts the hands of the clock back and takes us to the medieval times. But such attacks on Gandhiji's ideas are founded on gross misapprehensions. Gandhiji

does not wish that Village Communities should be isolated units entirely cut off from the rest of the country and the world. This is neither possible nor desirable. Gandhiji wants that the village republics should be basic units of Swaraj / Government enjoying maximum autonomy in social, economic and political affairs. The villages should be properly co-ordinated to the Taluka, the District, the Province and the All-India Centre through the Taluka and District Panchayats, Provincial Assemblies and the Federal Parliament.

It is wrong to suppose that the Village Communities were isolated entities even in ancient and medieval India. We learn from the Manusmṛiti, the Mahābhārata, Kautilya's Arthashastra and other Sanskrit books that there were officers at the head of one village, ten villages, twenty villages, one hundred villages, one thousand villages, each officer supervising those below him. It is true that each village enjoyed a very large measure of local self-government consistent with national safety and efficiency. But the rural republics gradually passed into larger political organisations on a federal basis rising layer upon layer from the lower rural stratifications on the broad basis of popular self-government. Dr Radhakumud Mookerji mentions how these different administrative units, one above the other, were known as *Sabha*, *Mahasabha*, and *Nattar*. The best account of this type of hierarchy is obtained from the administrative organisation of the great Chola Empire under Rajaraja as reflected in the numerous Inscriptions associated with that King. The smallest unit, the base of the administrative system, was the village

(uru) or town (nagara). The next higher unit was called Nadu or Kurram. The next position in hierarchy belonged to Kottam, or Visaya. Above this came the Mandala or Rashtra, the Province of the Empire. K. P. Javaswal in "Hindu Polity" also tells us about the constitution of the Jānapada or the Realm Assembly representing numerous regional councils of the country. All these facts clearly indicate that the Indian village system was not a relic of tribalism but a co-ordinated administrative organisation on federal principles. In modern times, this co-ordination will naturally have to be much more systematic and organised. But the fundamental idea of decentralisation and devolution of power which has stood the test of centuries ought to be the corner-stone of our future Constitution. Such an organisation instead of being medieval, would be the model for an ideal state. "Going back to villages," observes Dr. Radhakrishnan "is not to become primitive." "It is the only way to keep up a mode of existence that is instinctive to India, that supplied her once with a purpose, a faith and a meaning. It is the only way to keep our species civilised. India of the peasant and rustic life, of village communities, of forest hermitage and spiritual retreats has taught the world many great lessons but has wronged no man, has injured no land and sought no domination over others"<sup>1</sup>

If a canting critic persists in calling the Gandhian ideology as medieval, I would frankly remark that such

<sup>1</sup> Mahatma Gandhi • Essays and Reflections on his Life and Work'

médievalism is a thousand times better than our Modernism which has brought in its train exploitation, colonisation, imperialism and soul-killing wars. If progress signifies all that the modern material civilisation stands for, woe be to such progress!

### INTERNATIONALISM vs UNIVERSALISM

We glibly talk of Internationalism and scoff at Gandhiji's 'Villagism'. But have we ever cared to understand that Gandhiji goes much farther than Internationalism? He wants not only Internationalism but also Universalism. He appeals to us to feel one not only with our fellow human beings in the village, province, country and the world, but also to tune ourselves with the Infinite Universe. But for practising and realising this ideal of Universalism it is not at all necessary for us to fly ceaselessly to the ends of heaven and earth, we can feel one with the Universe while living quietly in our small cottages. Internationalism and Universalism are states of mind and not creations of time and distance. One can follow Villagism and Universalism simultaneously. According to Gandhiji the basis of our material existence should be the village, while the Universe ought to be our cultural or spiritual abode. This is the essence of his doctrine of Swadeshi. Gandhiji wants to serve humanity and the Universe, but through his immediate neighbours and the country. "My patriotism," says Gandhiji, "is both exclusive and inclusive." "It is exclusive in the sense that in all humility I confine my attention to the land of my birth. But it is inclusive in the sense that my service is not of a competitive or antagonistic

nature. I want to identify myself with everything that lives.”<sup>1</sup>

### A NEW CIVILIZATION

The fact of the matter is that the Gandhian Way is not a medieval mode of life but a new civilization. Various panaceas have been advanced for curing the ills of modern civilization. But all of them are fundamentally similar in their emphasis on coercion and violence. “Although the partisans who are now fighting for the mastery of the modern world wear shirts of different colours,” writes Walter Lippmann, “their weapons are drawn from the same armoury, their doctrines are variations of the same theme, and they go forth to battle singing the same tune with slightly different words” “Their weapons are the coercive direction of the life and labour of mankind. Their doctrine is that disorder and misery can be overcome only by more and more compulsory organisation. Their promise is that through the power of the State men can be made happy.”<sup>2</sup> This stress on state coercion is the dogma of the day; it is a strong tide and anybody who is not an authoritarian and collectivist is a “mossback, a reactionary, at best an amiable eccentric swimming hopelessly against the tide.” It is Mahatma Gandhi alone who has been consistently and persistently preaching non-violence and decentralisation for the last few decades. His vision is Oriental in its simplicity, vitality and realism. Observes Dr. Radhakamal Mukerjee:

<sup>1</sup> ‘Wisdom of Gandhi,’ by Roy Walker, p 55

<sup>2</sup> ‘The Good Society’ by Walter Lippmann, p 3

"The Eastern vision of our political future is not a dictatorship of the intellectuals, a bourgeois oligarchy, or a proletariat autocracy, jealous of its class privileges and superimposed upon passive and inarticulate millions, but of peasant democracy rising layer after layer from the old and essential local and functional groupings, growing from district to provincial dimensions and federated into a national assembly—a democracy which will revive the vitality of the village shrine and sacred tree under which it had its seat of old, and yet breathing a new and fresher spirit of active citizenship and sociality"<sup>1</sup>

In the course of a recent statement, Gandhiji himself explained his conception of the new civilization, or as he calls it, the *Rām Rājya*

"It can be religiously translated as Kingdom of God on earth. Politically translated, it is perfect democracy in which, inequalities based on possession and non-possession, colour, race or creed or sex vanish. In it land and state belong to the people, Justice is prompt, perfect and cheap and, therefore, there is freedom of worship, and of speech and the Press—all this because of the reign of the self-imposed law of moral restraint. Such a state must be based on truth and non-violence and must consist of prosperous, happy and self-contained villages and village communities"<sup>2</sup>

<sup>1</sup> 'Democracies of the East,' pp 363-4

<sup>2</sup> 'The Hindu,' June 22, 1945

To my mind the Gandhian idea of constitutional government is not a Utopia but a practical and lasting solution of internal economic conflicts as well as international wars. Those who deride such ideas as chimerical and visionary should vividly recollect the indescribable horrors of Total War. If we are really eager that such total wars should not recur in future under any circumstances, we must be prepared to overhaul our economic and political organisations from top to bottom. The so-called progressive plans and schemes would land us nowhere. As Sir William Beveridge remarks, the choice is no longer between Utopia and the world with which we are familiar. "The choice is between Utopia and Hell."<sup>1</sup> Shall we choose Hell or the "Gandhian Utopia"? The choice has to be made without any further delay, with faith and determination. Otherwise it may be too late to stem the gushing tide of world-wide annihilation

<sup>1</sup> 'The Price of Peace'. p. 87



## PART TWO



## V

### FUNDAMENTAL RIGHTS AND DUTIES

In the First Part of this brochure I have tried to enunciate the basic principles that must underlie the Constitution for Swaraj. In the Second Part, I shall deal with the main features which ought to characterise different aspects of the Constitution. There is no attempt at presenting a detailed draft of the actual Constitution, Article by Article. That technical work is to be reserved for the constitutional experts. I shall be satisfied if the general features outlined in this brochure are incorporated in the future constitution. It may be made clear at the very outset that this scheme is meant for Independent India without any connection with the British Empire.

Let us begin with the Fundamental Rights. A clear enumeration of civic rights in the Indian Constitution is of paramount importance specially in view of the communal problems that face the country. These rights which provide for the fullest protection of all minorities should form an integral part of the Constitution:

1. All citizens shall be equal before the Law, irrespective of caste, colour, creed, sex, religion or material wealth.

2. No citizen shall suffer from any disability on account of his or her religion, caste or creed in regard to public employment, public honour, trade and commerce.

3 Subject to the principles of non-violence and public morality, every citizen shall enjoy freedom of person; freedom of speech, freedom of assembly, combination and discussion.

4 Every citizen shall enjoy freedom of conscience and the right to follow personal and social customs, subject to public order and morality.

5. All citizens shall be free to preserve and develop their script, language and culture.

6 All citizens shall have an equal right to the use of wells, tanks, roads, schools and places of public resort, maintained out of State or local funds, or dedicated by private persons for the use of the general public

7 Every citizen shall be entitled to free Basic education, otherwise known as '*Nai Tiliṁ*'

8 Every citizen shall have the right to obtain legal and police protection from violence, compulsion or intimidation in regard to his or her person and personal property

9. Every citizen shall have the right to obtain a minimum living wage through honest work or employment.

10 Every citizen shall have the right to rest, by not being compelled to work for more than eight hours a day

11 Every citizen shall have the right to medical freedom (Existing rules and regulations regarding compulsory vaccination or inoculation shall be suitably amended)

12 Every citizen shall have the right to take part in Public Administration through his or her vote on the basis of adult franchise

13. Every citizen shall have the right to keep and bear arms in accordance with rules and regulations made in this behalf.

### DUTIES

But all these rights shall be contingent on the performance of the following fundamental duties:

1. All citizens shall be faithful to the State specially in times of national emergencies and foreign aggression.
2. Every citizen shall promote public welfare by contributing to State funds in cash, kind or labour as required by law
3. Every citizen shall avoid, check and if necessary, resist exploitation of man by man.

## VI

### VILLAGE AS BASIC UNIT

As has been indicated earlier, Gandhiji desires that self-sufficient and self-governing villages should be the basic units of public administration in Free India. Such a scheme would be in conformity with the time-honoured traditions of the country. In case of small and neighbouring villages, a group of villages may constitute the basic unit of administration.

#### THE PANCHAYAT

Every Village shall elect by the vote of all its adults a Panchayat of, ordinarily, five persons. In the case of bigger villages, the number may vary from seven to eleven. The Panchayat shall elect unanimously its President or Sar-Panch. If this unanimity is not possible, all the adults of the village shall elect the President directly out of the members of the Panchayat.

The term of the Panchayat shall ordinarily be three years. There will be nothing to prevent the same member or members of the Panchayat from being re-elected for the second or third term, but not more. If, however, a certain member of the Panchayat loses the confidence of the village before the expiry of his usual term, he shall be *recalled* by a majority-vote of seventy-five per cent.

The Village Panchayat shall have the sole authority to

appoint, suspend or dismiss the village servants like the choukidar, patwari and police officials.

The decisions of the Panchayat shall be, as far as possible, unanimous specially in cases that affect the rights of minorities.

### ITS FUNCTIONS

Since the villages shall enjoy maximum local autonomy, the functions of the Village Panchayats shall be very wide and comprehensive covering almost all aspects of social, economic and political life of the village community: They shall be:

#### 1 *Education—*

(a) to run a Primary or Lower Basic School through the medium of a productive craft, thus combining cultural and technical education.

(b) to maintain a Library and a Reading Room. Books in the library should be educative, having a direct bearing on the social, economic and political activities of the village.

(c) to run a Night School for adults.

#### 2 *Recreation—*

(a) to provide for Akhada, Gymnasium and playgrounds Swadeshi games and sports shall be encouraged.

(b) to arrange Art and Craft Exhibitions from time to time

(c) to celebrate collectively the important festivals of all communities.

- (d) to organise seasonal fairs
- (e) to conduct *bhajan* and *Lrtan mandals*
- (f) to encourage folk-songs, folk-dance and folk-theatre

### 3 *Protection—*

- (a) to maintain Village Guardians for general protection of the village against thieves, dacoits and wild animals.
- (b) to impart regular training to all citizens in the technique of Satyagraha or non-violent resistance and defence

### 4 *Agriculture—*

- (a) to assess the rent of each agricultural plot in the village
- (b) to collect rent from the land-holders
- (c) to encourage and organise consolidation of holdings and co-operative farming.
- (d) to make proper arrangements for irrigation
- (e) to provide for good seeds and efficient implements through co-operative shops
- (f) to see that, as far as possible, all the necessary food-grains are produced in the village itself. The present system of commercial crops shall be discouraged.
- (g) to review, scrutinise and, if necessary, scale down the debts and regulate their rates of interest. Where possible, to organise co-operative credit banks
- (h) to check soil erosion and reclaim waste land through joint effort

*Industries—*

- (a) to organise the production of Khadi for village consumption.
- (b) to organise other village industries on co-operative lines.
- (c) to run a co-operative dairy. The cow shall be encouraged in place of the buffalo.
- (d) to run a village tannery using the hides of dead animals.

6 *Trade and Commerce—*

- (a) to organise co-operative marketing of agricultural and industrial products.
- (b) to organise co-operative consumers' societies.
- (c) to export only the surplus commodities and import only those necessities which cannot be produced in the village.
- (d) to maintain co-operative godowns.
- (e) to provide cheap credit facilities to village artisans for necessary purposes.

7. *Sanitation & Medical Relief—*

- (a) to maintain good sanitation in the village through proper drainage system
- (b) to prevent public nuisances and check the spread of epidemics
- (c) to make adequate arrangements for healthy drinking water.

(d) to maintain a village hospital and maternity-home, providing free medical treatment Indigenous systems of medicine, naturopathy and bio-chemistry shall be encouraged

### 8 *Justice—*

(a) to provide cheap and speedy justice to villagers The Panchayats shall have wide legal powers, both criminal and civil

(b) to make arrangements for free legal aid and information.

### 9 *Finance and Taxation—*

(a) to levy and collect village taxes for special purposes Payments in kind and collective manual labour for village projects shall be encouraged.

(b) to collect private donations on social and religious occasions

(c) to see that proper accounts of income and expenditure are maintained These shall be open to public inspection and audit

I have tried to make the list of functions fairly exhaustive in order to give to the reader an idea of the large measure of local autonomy that our villages shall enjoy under 'the Gandhian Constitution'

## VII

### TALUKA AND DISTRICT PANCHAYATS

To co-ordinate the social, economic and political activities of villages there shall be Taluka (Tahsil) and District Panchayats. The functions of these higher bodies shall be *advisory* and not *mandatory*; they shall guide, advise and supervise, and not command the lower Panchayat.

#### TALUKA PANCHAYAT

Duly elected Presidents of a certain number of villages shall constitute the Taluka Panchayat. The number of members of the Panchayat will naturally depend on the number of villages grouped into a Taluka. Ordinarily, there shall be about 20 villages in a Taluka with an approximate total population of say, 20,000. Needless to mention that the sizes of the existing Talukas will have to be reduced considerably in order to make their executive, legislative and judicial work manageable and efficient.

The term of Taluka Panchayat, like the Village Panchayats, shall be three years.

The *functions* of the Taluka Panchayat shall be :

- (a) to guide, supervise and co-ordinate the activities of village panchayats, and audit their accounts
- (b) to arrange for secondary or upper basic education.
- (c) to maintain bigger hospitals and maternity homes for specialised treatment

(d) to maintain special Reserve of Guardians for assisting villages in emergencies.

(e) to run Taluka Co-operative Banks and Marketing Societies

(f) to keep the inter-village roads in good repair

(g) to maintain model farms for increasing agricultural efficiency

(h) to organise inter-village sports and tournaments.

### DISTRICT PANCHAYAT

All the Presidents of the Taluka Panchayats shall constitute the District Panchayat. Ordinarily, a district shall not contain more than a dozen talukas of the size indicated above. The term of the District Panchayat shall be three years.

Its functions shall be :

(a) to guide, supervise and co-ordinate the activities of Taluka Panchayats, and audit their accounts

(b) to make arrangements for Collegiate or Post-Basic education

(c) to maintain well-equipped hospitals for special diseases

(d) to maintain a Reserve of District Guardians for emergencies

(e) to run District Co-operative Banks and Marketing Societies

(f) to make adequate arrangements for irrigation

(g) to organise inter-taluka sports and tournaments. In the case of smaller Provinces, District Panchayats may be dispensed with; the Taluka Panchayats will have direct connections with the Provincial Government

### MUNICIPAL COUNCILS

In towns, there shall be Ward Panchayats and Municipal Councils which will have extensive executive and legislative powers. Their functions will be, more or less, on the lines of the District Panchayats; they shall co-ordinate the activities of the Ward Panchayats.

The Municipal Councils shall own and manage all public means of transport, electric power-houses and water-supply arrangements.

## VIII

### THE PROVINCIAL GOVERNMENT

The District Panchayats and Municipal Councils shall send their Presidents to the Provincial Panchayat, the strength of which will naturally vary from province to province. In the case of smaller provinces, one more representative besides the President of the District Panchayat and Municipal Council may be sent to the Provincial Panchayat.

The term of the Provincial Panchayat shall be three years. It shall usually meet twice a year.

#### FUNCTIONS

The functions of the Provincial Panchayat shall be:

- (a) to guide, supervise and co-ordinate the activities of the District Panchayats and audit their accounts
- (b) to maintain special Reserve of Guardians for emergencies
- (c) to arrange for University education, specially higher technical training and research work
- (d) to organise well-co-ordinated transport and communications within the Province. The means of transport shall be owned and managed by the Provincial Panchayat
- (e) to provide for adequate irrigational facilities.

- (f) to organise famine relief in times of emergencies
- (g) to run a Provincial Co-operative Bank for providing cheap credit facilities to District Panchayats.
- (h) to develop the natural resources of the Province and, where necessary, to manage the 'key' industries

### BOUNDARIES

The boundaries of the provinces shall be fixed mainly according to linguistic territories. It goes without saying that the existing provincial boundaries are due to historical causes and have no scientific considerations behind them. Most of them are composed of incongruous and heterogeneous elements. The formation of provinces, therefore, will have to be revised, on linguistic basis. This is essential because if all the legislative, executive, judicial and educational work has to be conducted in the provincial languages, the presence of more than one language in the Province would create a crop of difficulties. Moreover, it is only in the fitness of things that the medium of instruction up to the highest stage should be the mother-tongue of students. Bilingual or multi-lingual provinces render the introduction of mother-tongue medium well-nigh impossible. From this standpoint, greatest rearrangement would be necessary in the Provinces of Bombay, Madras and the Central Provinces.

The above distribution of Provinces is on the lines of the existing Congress Provinces with the only difference that Nagpur and Vidharbha have been grouped together for obvious reasons. Although the names of Congress Provinces have been retained, the provincial boundaries in the future Constitution shall not exactly correspond to the present Congress territories. For example, if a few

States, if not all, join the All-India Federation, the linguistic boundaries will have to be redrawn in consultation with the States. The United Provinces, as constituted today, may be conveniently divided into two separate provinces, the Eastern and the Western. However, all these details will have to be entrusted to a Special Commission appointed by the Indian Constituent Assembly. Where necessary, the wishes of the people of particular areas shall be ascertained by means of a plebiscite on the basis of adult suffrage.

#### ADMINISTRATION

The Provincial Panchayat shall be the Legislature of the Province. It shall, of course, be uni-cameral, and will possess full powers within its territories to enact laws in regard to its constitutional functions specified earlier.

The Panchayat shall elect its President who shall be the Head of the Province.

The proceedings of the Provincial Panchayat shall invariably be conducted in the language of the territorial unit.

There shall be a complete separation of functions between the Legislature and the Executive. The Provincial Panchayat shall appoint Ministers or Commissars in charge of different Departments. These Ministers, though fully responsible to the Panchayat, shall not be appointed from amongst the members of the Provincial Panchayat. "Where the Chief Executive and the Chief Legislative are practically identical, and the members of the former are substantially or heavily salaried as in England, true responsibility ceases, manoeuvres and intrigues of party

<sup>1</sup> 'Outline Scheme of Swaraj' by Deshbandhu Das and Dr  
Bhagvan Das Note to Chapter VI

## IX

### THE CENTRAL GOVERNMENT

All the Presidents of the Provincial Panchayats shall constitute the All-India Panchayat. In the case of bigger provinces, one more representative besides the President from amongst the members of the Provincial Panchayat may be sent to the All-India Panchayat.

The All-India Panchayat shall be the only Central Legislature; it shall be uni-cameral because the system of having two Chambers is unnecessarily complicated and expensive. In one of his speeches at the Round Table Conference, Gandhiji observed:

“I am certainly not enamoured or I do not swear by two legislatures. I have no fear of a popular legislature running away with itself and hastily passing some laws of which afterwards it will have to repent. I would not like to give a bad name to it and then hang the popular legislature. I think that a popular legislature can take care of itself, and since we are dealing with the poorest country in the world, the less expenses we have to bear the better it is for us.”

If the Indian States join the All-India Federation, they shall also have the equal right to send their representatives to the All-India Panchayat. These representatives shall be the Presidents of the States People's Assemblies; they will not be the ‘puppet’ nominees of the Princes

The term of the All-India Panchayat shall be three years

### FUNCTIONS

The functions of the All-India Panchayat shall be very limited in accordance with the basic principle of maximum local and provincial autonomy Its functions shall be :

- (a) to defend the country against foreign aggression.
- (b) to maintain a National Force of Guardians for internal law and order in times of emergencies
- (c) to co-ordinate the provincial plans of economic development.
- (d) to run the 'key' industries of All-India importance.
- (e) to manage the All-India departments of transport and communications
- (f) to regulate Currency, Customs and International Trade
- (g) to maintain a few educational institutions of All-India importance for technical and scientific research, and to advise the Provinces regarding uniformity of educational standards
- (h) to shape the foreign policy of the nation.

The residual powers shall vest in the federating units and not the Centre.

### ADMINISTRATION

The All-India Panchayat shall be the chief legislative body, it shall enact laws in regard to the functions assigned to it The President of the All-India Panchayat shall be the Head of the State

The Federal Panchayat shall appoint Ministers or Commissars for various departments. These Ministers shall not be the members of the All-India Panchayat. There will, thus, be a separation of legislative and executive functions.

The Central Executive or the Council of Ministers shall be fully responsible to the Central Legislature or Panchayat. The term of the Ministers shall be three years. But they shall ordinarily not be removed by the new All-India Panchayat except on grounds of inefficiency and corruption. If any minister is found guilty of serious misconduct, he shall be dismissed forthwith, before the expiry of his normal term of office.

The Ministers will represent the best talent of the country irrespective of party or communal considerations. Nor will there be any regular and rigid political parties in view of a very large measure of local self-government. While every attempt shall be made to give a fair representation to all communities, specially minorities, in the Central Executive, the vicious principle of communal proportions shall find no place in the future Constitution of Free India. In fact, when India has arrived at the fully developed non-violent stage, there will be no minority having a feeling of separateness or inferiority.

### THE FEDERATING UNITS

The All-India Panchayat shall be a voluntary federation of the Provinces and States, with the largest measure of local autonomy for the federating units. Since India is

essentially one and indivisible from the geographical and cultural standpoints, it is expected that all the Provinces and Indian States would gladly join such a Federation to promote national welfare. Every effort should also be made to create the necessary atmosphere for close collaboration and development of common national life. Nevertheless, no territorial unit could be compelled to join the All-India Federation against the declared and established will of the adults of that territory. Reference to secession has been purposely avoided, though it is implicit in voluntary accession. It may be relevant to mention here that even in Soviet Russia, the right of secession is confined only to the eleven "Union Republics", it is not granted to the numerous other units like the 'Autonomous Republics'. Moreover, the right of secession even in the case of Union republics is nominal because it is now well-known that activities for bringing about secession are deemed by Soviet Courts as highly treasonable and counter-revolutionary.

In a non-violent State the question of compulsion backed by material force, does not arise. If a federating unit is free to join or not to join the Federation, the right of secession cannot be legitimately withheld. But the general atmosphere of tolerance, good-will and co-operation under 'the Gandhian Constitution' should render any demand for secession an impossible proposition.

### LANGUAGE

The work of the All-India Panchayat shall be conducted in Hindustani, in both Nagri and Urdu scripts.

## X

### THE JUDICIARY

The Judicial system introduced by the British Government in India has worked havoc in the socio-economic life of the country. The Panchayats used to decide civil and criminal cases speedily and on the spot. False witness and perjury before the Panchayat were regarded as the greatest sins. Justice was cheap and fair. Modern courts, on the contrary, are very expensive; even very ordinary cases are disposed of only after months, if not years. The complicated judicial procedure promotes endless dishonesty and falsehood. Hosts of lawyers with their network of touts in villages have bled the rural folk white by draining away crores of rupees every year through degrading and useless litigation. Perjury and false witness are now current coins; truth and honesty are at a discount. Thus, the British judicial system, instead of improving public morality has been directly instrumental in degenerating it beyond measure. The sooner, therefore, we bid good-bye to the system, the better for us and the nation. Even a highly reactionary Governor like Sir Maurice Hallett recently observed:

"I often think that the policy of the Government of India took a wrong turn when it insisted on centralizing its administration. The old system whereby the village was, more or less, responsible for its own organisation

was lost sight of and I think India has suffered accordingly. The Government in its desire for regimented systems on stereotyped lines has set up institutions such as magisterial courts on Western lines and has forgotten that much of this work could have been better and more aptly conducted within the village itself. I would like to see in every village or a group of small villages, a Panchayat set up with powers to settle all minor disputes, whether they be of criminal, civil or revenue nature.”<sup>1</sup>

### VILLAGE PANCHAYAT

The Gram Panchayats shall be entrusted with the dispensing of Justice, no separate judicial panchayats are necessary. The poor peasant need not go out of his village, spend hard-earned money and waste weeks and months in towns on litigation. He can get all the necessary witnesses in the village and fight out his own case without being exploited by lawyers. When intricate points of Law arise, a Sub-Judge from the Taluka or District could come down to the village and assist the Panchayat in deciding difficult cases. The Sub-Judge shall also act as a guide, friend and philosopher to the ignorant villagers by acquainting them with the Laws of the State. Such a judicial system will not only be simple, prompt and cheap but also ‘just’ because the details of civil and criminal cases will be, more or less, open secrets in the village and there shall be hardly any scope for fraud and legal juggleries.

<sup>1</sup> ‘The Hindustan Times,’ October 22, 1945

## DISTRICT COURTS

Since the Village Panchayats shall enjoy extensive civil and criminal powers in judicial matters, it will be unnecessary to have Taluka Courts. In special cases, appeals from the villages could directly be made to the District Courts. Disputes in towns shall also originate in these District Courts. The Judges will be completely independent of the district executive officers, they shall be appointed by the District Panchayats, and shall be irremovable during terms of office and good behaviour.

## HIGH COURTS

In very exceptional cases, appeals from District Courts shall be allowed before High Courts. The Judges of the High Courts will be appointed by the Provincial Panchayat; they shall be completely independent of the Executive, holding office for life and during good behaviour.

## THE SUPREME COURT

The Supreme Court of India will be the highest judicial authority in the country. Its functions shall be:

- (a) to hear appeals from the High Courts.
- (b) to decide original cases arising out of disputes between the federating units regarding constitutional matters.
- (c) to religiously safeguard the interests of Minorities by enforcing strict observance of the Fundamental Rights as specified in the Constitution.

The Judges shall be appointed by the All-India Panchayat. They shall be men of the highest merit and charac-

ter absolutely free from communalism or party politics, holding office for life and during good behaviour.

### REVISION OF LAW

The existing Civil and Criminal Law is foreign to the Indian soil, it is too complex and cumbersome. It will, therefore, have to be thoroughly revised under the new Constitution. A Special Committee of experts may be appointed for the purpose by the Indian Constituent Assembly.

## XI

### SYSTEM OF ELECTIONS

It will be evident from the foregoing chapters that the system of elections advocated in this Constitution is *direct* for the village panchayats and *indirect* for the taluka, district, province and the All-India Centre. This system will combine the chief advantages of both direct and indirect elections. The election will be direct in the village which would enjoy maximum local autonomy. Since the functions of the higher bodies will be mainly advisory and co-ordinative, indirect election would be the most suitable method. It will avoid colossal waste of national energy, time and money involved in direct elections specially in a vast country like India. The unhealthy growth of political parties and communal feelings will also be automatically checked to a great extent. Since indirect election will be confined to a few responsible individuals, there will be hardly any room for bribery and corruption. Besides, the representatives of the upper bodies will not be in a position to 'forget' their constituencies because they would owe their delegation to the lower panchayats. According to the proposed Constitution, the President of the lower panchayat shall be the ex-officio member of the next higher panchayat. Thus, even the President of the All-India Panchayat shall be the president of his own village panchayat as well, he shall, at the same time, be a member

or president of the taluka, district and provincial panchayats. He will, therefore, be fully conversant with and alive to the difficulties and requirements of the masses, he cannot be a mere 'arm-chair' politician. If any member of the highest body does not discharge his civic duties towards the people satisfactorily, he would stand no chance at the next elections, he might even be 'recalled' by his own village panchayat, thus, compelling him to resign his membership of all the other higher bodies. Since the village constituencies will be small and there will be direct and intimate knowledge of the candidates seeking election, the scope for electioneering frauds would be eliminated root and branch.

#### FRANCHISE

The question of franchise and electoral qualifications will arise only in the case of elections for the village panchayats. In the villages, elections will be on the basis of adult franchise irrespective of any distinctions relating to caste, creed, sex, religion, socio-economic position or education. Even literacy shall not be a compulsory qualification for a voter. Observes Gandhiji:

"I cannot possibly bear the idea that a man who has got wealth should have the vote, but the man who has got character but no wealth or literacy should have no vote, or that a man who works honestly by the sweat of his brow day in and day out should not have the vote for the crime of being a poor man. I am not enamoured of the doctrine of literacy, that voter must at least have a knowledge of the three R's. I want for my people a knowledge of the three R's, but I know

also that if I have to wait until they have got a knowledge of the three R's before they can be qualified for voting, I shall have to wait until the Greek Kalends, and I am not prepared to wait all that time."<sup>1</sup>

### SPECIAL QUALIFICATIONS

Although no rigid rules could be framed for the members and office-bearers of the Panchayats, the following special merits shall weigh with the voters while casting votes in favour of different candidates:

- (a) Literacy and general education.
- (b) Mature experience of civic life.
- (c) Financial independence (to eliminate chances of corruption).
- (d) A record of Solid and selfless service to the village community.

In this context, any kind of canvassing in elections should be regarded as a disqualification. Membership of the Panchayat should be looked upon as a grave responsibility and not as a matter of mere honour and selfish gains

### JOINT ELECTORATES

Since the Fundamental Rights guaranteed in the Constitution are very comprehensive, the need for separate or communal electorates should disappear. In fact, the system of separate electorates which was introduced in this country at the instance of British bureaucrats has been one of the fundamental causes of communal bitterness and discord. This point has been dealt with more

<sup>1</sup> Speech at the Round Table Conference.

thoroughly in the chapter on 'The Problem of Minorities.' Suffice it to mention here that joint electorates shall be the basis of representation in the constitution for Free India

### LECTION BY LOT

A very interesting system of elections in ancient times is revealed by two famous Inscriptions at Uttaramallur:

"The village with its twelve streets was divided for purposes of the selection into thirty wards or electoral units. There was a meeting of each ward at which the residents were to assemble, and each of them was required to write down on a ticket the name of the person he voted for after consideration of his eligibility for membership of the committee as defined by the regulations framed by the assembly. The tickets were then to be arranged in separate packets corresponding to the thirty wards. Each packet bore the name of the ward it represented on its 'covering ticket.' The packets were put into a pot. Then the pot was placed before 'a full meeting of the great assembly' including the young and old (members), as also all the temple priests who happened to be in the village on the day "without any exception whatever" in the inner hall where the great assembly meets. 'In the midst of the temple priests, one of them who happens to be the eldest shall stand and lift that pot looking upwards so as to be seen by all people.' 'One of the young boys who did not know what was inside was then called to pick out one of the packets. The tickets

in this packet were then 'transferred to another empty pot and shaken,' i.e., shuffled thoroughly. The boy then drew one ticket out of the pot and made it over to the arbitrator (madhyastha). 'While taking charge of the ticket thus given to him, the arbitrator shall receive it on the palm of his hand with the five fingers open. He shall read out the name on the ticket thus received. The ticket read out by him shall also be read out by all the priests present in the inner hall. The name thus read out shall be put down and accepted.' Thirty names were thus to be chosen, representing each of the wards"<sup>1</sup>

Although this system of election by lot may not be regarded as truly democratic, it did make for purity and goodwill in the social life of the villages. Bitterness and bad blood engendered in modern elections were conspicuous by their absence. The ancient system could be re-introduced in certain cases, with necessary modifications. For example, if a panel of names is first decided by open votes or by ballot, one of the names out of the panel could be elected merely by lot, because all the candidates in the panel would possess almost equally good qualifications. Such a system of 'panels and lots' will be both democratic and harmonious. It is desirable, therefore, that ways should be explored to introduce this electoral method in as many fields of administration as possible

<sup>1</sup>"Local Government in Ancient India" by Dr Radhakumud Mookerji, pp 171-72

## XII

### THE INDIAN STATES

The existing Indian States are one of the greatest obstacles in the path of Indian freedom. They are double-edged weapons in the hands of the British Government. Schemes for All-India Constitutional Reforms are torpedoed on the ground that the Indian States are sovereign bodies with Treaty rights; they are free to join or not to join the Indian Federation. And the grant of full responsible government within the States is hampered systematically on the pretext that the Princes are responsible to the Paramount Power without whose sanction nothing of real importance could be carried out in the States. Thus, while the Princes have been reduced to 'glorified vassals' of the Crown, they are always trotted out before Nationalist India as 'big problems' in framing the future Constitution. As a matter of fact, their treaties are not worth the paper on which they are preserved. "They are so many grants made principally or wholly for the consolidation of Paramountcy. Lawyers will no doubt be found who would argue that Treaties are solemn pledges which can be enforced by the Princes. How can a dwarf enforce rights against a giant?"<sup>1</sup>

The boundaries of the States are also irrational; they

<sup>1</sup> Harijan, 16-12-1939

have no linguistic, cultural or economic basis. From several standpoints, India is essentially one unit. It will, therefore, be advisable to draw altogether new boundaries of the federating units after merging the territories of the Indian States with the Provinces. If the British forego the so-called treaties or transfer them to the Government of Free India, well and good. If the Princes renounce the treaties, make common cause with the people, better still. But if neither of these events take place, we should realise that the British Government mean no real business in terms of India. Sir George Schuster writes:

“A federal constitution holds out at once the hope of liberalising and modernising the administration of the States and of ensuring a greater stability in the political structure of the whole country. Moreover, so closely knit are now the economic and social life of the two divisions of India, and so intermixed with British India is state territory, that the setting up of a popular government at the centre in which the States did not participate must lead at the least to friction and difficulty. . . . Lastly, in the interests of the Princes themselves, it may be urged that they would be well advised to put the foundations of their States on to a broader and less challengeable basis.”<sup>1</sup>

Honestly interpreted, the quotation is an invitation to the Princes to read the signs of the times and make common cause with the people of India in the place of being

<sup>1</sup> “India and Democracy” by George Schuster and Guy Wint, pp 365-66

their dictators under the shadow of the British bayonet. While the people are under the sweet sway of non-violence, the Princes need have no fear from the people. They must rely upon their righteousness to secure them full justice. But they must not expect the present autocracy to last. In Gandhiji's words, it is 'double slavery'

### XIII

## NATIONAL DEFENCE

Gandhiji's strong and definite views on non-violence are well known; he believes that non-violence is infinitely superior to violence. He would like Free India not to maintain any armed defence against foreign aggression. Gandhiji wants India to develop disciplined non-violent power to face invasions bravely and successfully. At a time when Britain was helplessly waiting to be swallowed up by Hitler, Gandhiji raised his lonely but powerful voice against the futility of violent victory and courageously advised the Britons to resist Germany without arms:

"I would like you to lay down the arms you have as being useless for saving you or humanity. You will invite Herr Hitler and Signor Mussolini to take what they want of the countries you call your possessions. Let them take possession of your beautiful island, with your many beautiful buildings. You will give all these, but neither your souls, nor your minds."<sup>1</sup>

This classic and memorable appeal to "Every Briton" at a time when Britain was passing through the most critical phase of national history could not have been addressed, perhaps, by any other person in the world except Mahatma

<sup>1</sup> Harijan, 6-7-1940

Gandhi He gave vent to his deep and earnest feelings even at the risk of ridicule But the utter hollowness of armed victories has been amply demonstrated by the two global holocausts of "blood, toil and tears" "I know nothing more terrible than a victory except defeat," remarked the Duke of Wellington who earned the unique honour of crushing Napoleon The world cannot afford to forget these highly significant and prophetic words of the Iron Duke Even the Atlantic Charter, which, unfortunately is now dead as the door-nail, had to take cognisance of the truth that "all the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force" The dazzling development of science culminating in the mysterious Atom Bomb would now compel us to discard the weapons of violence and cultivate 'the non-violence of the brave' Virile and dauntless non-violence would successfully defy the arrogant fury of even a fiercer weapon than the Atom Bomb, for a non-violent warrior knows no defeat A truly non-violent nation would rather smilingly die to a man than meekly submit and owe allegiance to the insolent invader

But Gandhi is not a visionary; he is a supreme realist and a 'practical idealist' He is fully alive to the limitations of his own country Although he will be genuinely happy if free India could agree to maintain only a Non-violent Army, he does concede that the ideal would be difficult of immediate realisation "I would rather have India resort to arms in order to defend her honour than that she would in a cowardly manner become or remain a helpless

witness to her own dishonour.”<sup>1</sup> Gandhiji observes:

“Alas! in my Swaraj of today there is a room for soldiers....Under Swaraj, you and I shall have a disciplined, intelligent, educated police force that would keep order within and fight raiders from without, if by that time, I or someone else does not show a better way of dealing with either.”<sup>2</sup>

Gandhiji conceives of Indian Defence mainly as a National Police Organisation which will be of a wholly different pattern from the present-day Army and Police:

“Its ranks will be composed of believers in non-violence. They will be servants and not masters of the people. . .The Police Force will have some kinds of arms, but they will be rarely used, if at all. In fact, the policemen will be reformers”<sup>3</sup>

The All-India Panchayat shall have full control over the National Police or Guardians. It shall appoint a Commander-in-Chief who shall also be the Minister in charge of Defence. The National Force of Guardians shall be composed of only Indians, although technical advice of foreign experts may be obtained from time to time.

Before closing this chapter, it will be worth our while to discuss a few points in regard to the relative importance of Defence in the future Constitution. Although, in a war-obsessed world, the problem of Defence is of supreme moment, Free India of Gandhiji's conception need not very

<sup>1</sup> Young India, 11-8-1920

<sup>2</sup> Young India, 7-5-1925

<sup>3</sup> Harijan, 1-9-1940

much worry about foreign aggression for the following reasons:

(a) India is geographically and strategically so situated that she cannot be attacked by any one foreign power without inviting a World War

(b) India shall plan her national economy, more or less, on a self-sufficiency basis. She will have no imperial designs on other countries, nor will she join the frantic race for capturing foreign markets. The chances of international conflict will, therefore, be considerably eliminated.

(c) Trade always follows the Flag. Since there will be very limited scope for trade with India under the system of self-contained village communities, foreign powers would have scarcely any temptation for invading her.

Moreover, if India, under the inspiring guidance of Gandhiji, is able to attain political independence through non-violence, she will surely release tremendous forces of amity and good-will among the warring nations of the world. As Gandhiji expresses the hope, her Independence and freedom would spell non-aggression and international harmony.

## XIV

### THE PROBLEM OF MINORITIES

The Problem of Minorities is not a special feature of Indian politics, it is a universal problem. Almost every State in the world is composed of, more or less, heterogeneous elements, and the rights of minorities have been duly safeguarded in each country in conformity with international conventions. But the British Government, faithful to their age-long imperialist policy of 'divide and rule' have been painting the Indian communal problem in lurid colours, giving to the world an impression that the Hindus and the Muslims are always at each other's throats and that if the British withdraw from India, a Civil War would immediately follow. Fortunately for them, the British Government have found a very handy weapon in Mr. Jinnah who, consciously or unconsciously, plays into their hands exactly according to Plan.

An intelligent study of the history of communal tangle in India would at once show that the British have been systematically injecting the virus of communalism in the Indian body politic. Till the close of the nineteenth century the Government was quite suspicious of the Muslims from whom they had wrested political power in this country. But in the beginning of the twentieth century, they ed the 'menace' of Hindu-Muslim Unity to their Empire. Seeds of communal discord, therefore, were sown by the

alien rulers according to a definite and well-thought out scheme First October, 1906, was a fateful day in the history of our nation when a Muslim Deputation led by H H the Aga Khan presented at Simla an Address to Lord Minto, the then Viceroy of India The deputation requested the Viceroy to recognise them as 'a distinct community' in local, provincial and central elections The Muslim Deputation was described and condemned as a "command performance" by the late Maulana Mohammed Ali It is now a matter of documentary proof that the deputation was inspired by certain British officials, it was, perhaps, drafted by Mr. Archbold who was the Principal of Aligarh College at that time "I am entirely in accord with you," observed Lord Minto in his reply to the deputation and, thus, introduced separate electorates in this hapless land Lord Morley, the Secretary of State for India, who favoured joint electorates with reservation of seats, wrote to Lord Minto .

"I won't follow you again into our Mohammedan dispute Only I respectfully remind you once more that it was your early speech about their extra claims that first started the Muslim hare"<sup>1</sup>

Ramsay MacDonald, in his "Awakening of India" has also recorded his definite opinion that the British officials were responsible for the introduction of communal electorates in India A lurid light is thrown on this episode, which was thus engineered to forge an obstacle to the growth of India's national unity, by the following passage cited by Lady Minto in her Diary from a letter re-

<sup>1</sup> Viscount Morley Recollections, Vol 2, p 325

ceived by her from a high official:

"I must send your Excellency a line to say that a very big thing has happened today, a work of statesmanship that will affect India and Indian History for many a long year. It is nothing less than the pulling back of 62 millions of people from joining the ranks of the seditious opposition"<sup>1</sup>

This allegation has also been admitted in a Government Document, the Report of the Indian Central Committee of the Statutory Simon Commission, in which it is stated that "there was no spontaneous demand by the Muslims at that time for separate electorates, but it was only put forward by them at the instigation of an official whose name is well-known" (p. 117)

The Lucknow Pact of 1916 was a serious and successful attempt to bridge the gulf between the Hindu and Muslim communities. But the Government soon sabotaged the rapprochement once again by resorting to the favourite device of offering more to the Muslims than what they got under the Pact. In spite of strong disapprobation of communal electorates, the Montford Reforms of 1919 gave the vicious system a new lease of life which, unfortunately, continues to this day. The latest demand for Pakistan is the natural and logical conclusion of the policy of separate electorates and communal reservation of seats in the legislatures with ever-growing weightage for the Muslims. The father of Pakistan is, therefore, not Iqbal or Rehmat

<sup>1</sup> Quoted in "A new approach to the Communal Problem" by Dr. Radhakumud Mookerji, p. 4

Ali<sup>1</sup> or Jinnah, but Lord Minto

It is not essential to X-ray the bogey of Pakistan in these pages. There is enough literature on the subject for the inquisitive reader.<sup>2</sup> Let it suffice to mention that the slogan of Pakistan is thoroughly unpractical, irrational and undesirable. The idea that the Hindus and the Muslims are separate nations cannot stand scrutiny.

"Partition means a patent untruth. My whole soul rebels against the idea that Hinduism and Islam represent two antagonistic cultures and doctrines.. I must rebel against the idea that millions of Indians who were Hindus the other day changed their nationality on adopting Islam as their religion"<sup>3</sup>

Moreover, Pakistan does not solve the Problem of Minorities, it seeks to make it even worse. Millions of Hindus and Muslims in Pakistan and Hindustan respectively would still clamour for the protection of their rights. Vivisection of India will weaken national defence, involve economic and financial waste, and reduce India to a minor power in international politics. "A United States of India," writes Prof Coupland, "might reasonably expect to take ranks in years to come among the great political units of the world"<sup>4</sup>. But in a disrupted India, we could never

<sup>1</sup> In 1933, Rehmat Ali, A Punjabi graduate of Cambridge, invented the word 'Pakistan,' mnemonically formed out of Punjab, Afghanistan, Kashmir, Sind and Baluchistan

<sup>2</sup> The following books are specially recommended "The Communal Triangle in India" by Asoka Mehta, & Achyut Patwardhan "India Divided" by Dr Rajendra Prasad, and 'Pakistan or Partition of India' by Dr Ambedkar

<sup>3</sup> Harijan, April 13, 1940

<sup>4</sup> 'The future of India,' Part II p 108.

achieve our natural destiny.

In fact, a non-violent State of Gandhiji's conception will not be confronted with the problem of minorities at all because the essence of non-violence is tolerance and respect for one another's rights. There will be absolutely no cause for fear, distrust, and insecurity. The demand for Pakistan or Partition will be uncalled for and out of place.

As a man of non-violence, Gandhiji cannot think of forcibly resisting the proposed partition if the Muslims of India really insist upon it. "But I can never be a willing party to the vivisection of India. I would employ every non-violent means to prevent it. For it means the undoing of centuries of work done by numberless Hindus and Muslims to live together as one nation."<sup>1</sup>

Division of India into two or more separate states will mean virtual national suicide. While conceding the right of partition or secession, Gandhiji's non-violence would, therefore, actuate him to resist the national vivisection with all his moral and spiritual might and, if necessary, even perish in the attempt.

Fortunately for us, good-will is not lacking even to-day among the Muslim masses. But the British Government is bent on exploiting our differences by adding fuel to the fire. If the foreign rulers sincerely desire to transfer complete political power, the communal problem could be satisfactorily resolved overnight. I have a fear that, in spite of their professions to the contrary, the Britishers

<sup>1</sup> Harijan 13-4-1940

would ultimately hurl at us another Award which will be, more or less, Pakistan. The British Government must be told plainly that their policy of '*divide et impera*' must now be abandoned. It was the British Government which introduced 'separate electorates', the engines must now be reversed by the same Government in the name of justice and fairplay. Let the Britishers not imagine that they are the only experts in the art of diplomacy. If India were to rule over Britain even for a single year, the three territorial units of England, Scotland and Wales could be proved to be separate nations vociferously demanding and even fighting for Partition.

In conformity with International Conventions, the problem of minorities could be solved in India by emphasising the following points in the future Constitution.

(a) The Fundamental Rights shall guarantee to all the communities full protection of their cultures, languages, scripts, education, profession and practice of religion, social customs and personal laws.

(b) Each territorial unit shall have the fullest possible local autonomy in economic, political and cultural spheres. With the organisation of self-sufficient and self-governing Village Communities in the country, the problem of minorities would, in fact, hardly exist as a constitutional difficulty.

(c) Joint Electorates with adequate reservation of seats and the right to contest additional seats, shall form the basis of the Constitution. Although under the

Gandhian Constitution of a non-violent State, it would be unnecessary even to reserve the seats, such provision may, however, be made for the period of transition.

(d) Franchise shall be extended to all adults without any distinctions and limitations.

(e) In Public Services, appointments shall be made by non-party Public Service Commissions which shall have due regard to the principle of fair share for all communities, consistent with efficiency of administration.

Details relating to Minority rights and representation could be worked out by a Committee of the Constituent Assembly. If necessary, the final decision may be left to a Board of International Arbitration of which Britain or any of the Dominions shall not be a member.

As I pointed out earlier, however perfect a written Constitution for a country may be, however thoroughly it may guarantee rights, it would fail to provide lasting harmony if the necessary good-will is wanting. But the leaders and spokesmen of Communities can do much to stimulate it:

“By their own words and deeds, by timely advocacy of fundamental rights in temperate speech and orderly behaviour, by firmness or forbearance when occasion demands it, by opportune insistence upon the justice and wisdom of their cause, by every encouragement in their power to organisations and activities of a common character, and by stern repression of all that spells division or disruption, the problem of minorities can

be settled, at least as it manifests in India today, for all time, in all parts, and on all points ”<sup>1</sup>

The fundamental problem that stares both the Hindu and the Muslim masses of our country is acute poverty. The communal problem fades into nothingness in face of this common economic distress. With the advent of Swaraj, the State will have to concentrate on the question of raising the standard of living of the masses. The problem of minorities, would then disappear like the morning mists. Observes Gandhiji:

“The solution of the Communal tangle can be the Crown of the Swaraj constitution, not its foundation if only because our differences have hardened—if they have not arisen—by reason of the foreign domination. I have not a shadow of doubt that the iceberg of communal differences will melt under the warmth of the sun of freedom ”<sup>2</sup>

<sup>1</sup> ‘Whither Minorities ?’ by M N Dalal, p 193

<sup>2</sup> ‘The Case for Swaraj,’ p 103

## XV

### FOREIGN POLICY

Thanks to the broad vision of Pandit Jawaharlal Nehru, India has already developed a definite and comprehensive foreign policy of her own in the domain of International Politics. The Indian National Congress was, perhaps, the first political party in the world which raised its unequivocal voice against the British policy of appeasement of the Fascist powers culminating in the disgraceful Munich Pact. The Congress protested against Japanese aggression in China, sided wholeheartedly with the Spanish Government in its heroic fight against foreign invasion and domestic rebellion. During the recent World War, the Congress was prepared to throw its whole weight on the side of the United Nations provided complete independence was granted to India immediately. The strong protest of Indian leaders against the wanton use of Indian troops for the suppression of Indonesian nationalism has defined our country's attitude towards her neighbours.

None the less, it will be desirable to lay down a clear-cut Foreign Policy in the future Constitution. The following shall be the main points.

- (a) The people of India desire to live in peace and friendship with their neighbours and with all other countries on the basis of absolute equality.

India has no territorial designs whatever on the

neighbouring countries She would respect the freedom of others and strive to create international harmony and good-will

(b) India shall not exploit any country economically through trade and commerce, nor will she allow other countries to exploit her

She will enter into trade relations with foreign countries only on the basis of *mutual* gain and prosperity

(c) India believes that future peace and ordered progress of the world demand the immediate establishment of a World Federation of free nations "On the establishment of such a World Federation, disarmament would be practicable in all countries, national armies, navies and air forces would no longer be necessary and a world defence force would keep the world peace and prevent aggressions Independent India would gladly join such a World Federation and co-operate on an equal basis with other countries in the solution of international problem (A I C C's resolution of 8th August, 1942)

(d) India shall offer her full support to all the national, democratic and socialist forces of the world that are working for peace, freedom and democracy, and shall be ready to associate in any scheme of international economic sanctions against an aggressor

(e) While India shall be prepared to co-operate with other nations in the organisation and maintenance of collective security, she would never be a party to the spoliation or suppression of the freedom of any country

(f) India stands for full freedom to all the big and small nations of the world without any distinctions of race, colour, economic or cultural backwardness. No nation has a right to rule over other nations under any circumstances.

## XVI

### FINANCE AND TAXATION

The existing system of Public Finance and Taxation is highly inequitable and irrational. It will, therefore, have to be radically recast and overhauled. The following are a few important points which ought to be incorporated in the future Constitution of India.

(a) National Finance shall be suitably decentralised so as to make local self-government a reality. At least one-half of the Land Revenue collected by villages shall be made over to the respective village panchayats.

(b) Details regarding the allotment of the other half of the Land Revenue among the District, Provincial and All-India Panchayats shall be decided by a competent Commission appointed by the Constituent Assembly.

(c) Other revenues necessary for meeting local expenditure shall be raised by the Village Panchayats by means of taxation in the form of Faslī Chanda (harvest subscription), private donations, arbitration fees, fines, grazing charges etc. Taxation in the form of direct manual labour by the villagers shall be encouraged.

(d) Top-heavy expenditure on Military and Public Services shall be considerably reduced. Except in the cases of technical foreign experts, no servant of the

State shall be paid more than Rs. 500 per month.

(e) State expenditure on Public Utility services like health, education and research shall be proportionately increased.

(f) Free India shall not be responsible for the payment of unreasonable Public Debts, internal or external, incurred by the present irresponsible Government of India.

(g) A graded tax shall be imposed on agricultural incomes above a specified minimum.

(h) Inheritance Taxes on a graduated scale shall be levied on property above a fixed minimum

(i) Income-tax shall be a provincial source of revenue.

(j) Salt shall be free as air.

(k) Since there will be total Prohibition in Free India, there shall be no income from Excise taxes on intoxicants

(l) Payment of taxes in kind, specially in the rural areas, shall be favoured.

(m) One of the major sources of income of the Provincial Panchayats and the All-India Panchayat will be the profits yielded by the management of 'key' industries and Public Utility services.

## XVII

### NATIONAL PROPERTY

Under the Swaraj Constitution, private property as such will not be necessarily abolished, its sphere shall be restricted and curtailed in order to eschew the patent evils of the present Acquisitive Society. The following types of wealth which are now owned by private capitalists shall become National Property.

(a) All the land shall belong to the State, private landlords and Zamindari systems of land tenure will, therefore, cease to exist. The State shall grant long leases to those farmers who actually till the soil.

(b) All the Key industries shall be owned by the Nation. Private industrialists may be allowed to manage them on commission basis. But they shall not own the basic industries and thus exploit national resources for their own profits.

(c) Mines, rivers, forests, roads, railways, air transport, posts and telegraphs, shipping and other means of public transport shall be National Property.

(d) The above-mentioned properties, which are at present in private hands, shall be duly acquired by the State, if necessary, paying reasonable compensation after due investigation of title.

## XVIII

### EDUCATION

The present system of education in India has failed to meet the vital needs of national life, it is hopelessly out of touch with social and economic realities and envisions no creative and inspiring ideal. Far-reaching reforms, therefore, will have to be introduced under the Swaraj Constitution. The following are a few 'key points':

(a) Basic education shall be free and compulsory. It shall be imparted to all the boys and girls up to the age of 14, through a productive craft like spinning, weaving and agriculture. Such education would serve a treble purpose in a poor country like India:

(i) It would impart sound knowledge to students.

(ii) It would meet most or part of the cost of education.

(iii) It would make students generally fit for a vocation in life.

(b) There shall be absolutely no corporal punishment in educational institutions.

(c) The Medium of Instruction at all stages of education shall be the Mother-tongue. The imposition of the English medium of instruction has, indeed, been one of the major educational tragedies in this country. "It has sapped the energy of the nation, it has shor-

tened the lives of the pupils. It has estranged them from the masses; it has made education unnecessarily expensive. If this process is still persisted in, it bids fair to rob the nation of its soul”<sup>1</sup>

(d) The Village Panchayats shall try to liquidate illiteracy as early as possible. Adult education, however, shall not be confined to the knowledge of the three R's. The adults shall be imparted general education in health, hygiene, sanitation, agricultural efficiency, co-operative effort and civic rights. Here too the basis will be a craft.

(e) University education shall be confined mostly to higher technical training and research.

(f) It shall be incumbent on a Graduate to render free social service for one year before receiving his or her Degree.

<sup>1</sup> Young India 5-7-1928

## XIX

### CRIME AND PUNISHMENT

In the past, crime was treated either with violent punishment or with overflowing sentimentality. Penology has now undergone a vital change in the progressive countries of the world. Crime has ceased to be regarded as a biological phenomenon; it is now recognised as a social product. Criminals are to be treated as persons and crimes as clinical problems to be diagnosed as in the case of other physical and mental diseases. Gandhiji would, therefore, hate crime but not the criminal. A careful analysis of crimes would indicate that the chief underlying causes are poverty, unemployment, inadequate education and broken homes<sup>1</sup>. In order to reduce crime, the social environment and circumstances have to be radically improved.

Prevention is always better than cure. It is to be expected that fundamental changes in the social and economic conditions contemplated in the 'Gandhian Constitution' will go a long way in effectively preventing crime in the country.

It is, however, idle to suppose that all kinds of crime would automatically cease under Swaraj. Free India will also have to tackle crime, award punishments and maintain prisons. But the nature of prisons shall be wholly

<sup>1</sup> See "Contemporary Social Problems," by Dr. Harold Phelps

different from the existing patterns, which instead of reforming the convicted prisoners harden them into incorrigible criminals. Under the new Constitution, prisons shall be in the nature of well-organised Reformatories. In this connection it will be interesting and instructive to know a few details of the Bolshevo Reformatory Colony in the U S S R.

"The GPU itself maintains at Bolshevo, in the Moscow oblast, a remarkable reformatory settlement, which seems to go further, alike in promise and achievement, towards an ideal treatment of offenders against society than anything else in the world. This is an extensive establishment accommodating nearly a thousand inmates. It is situated on the pleasant country estate of an expropriated millionaire industrialist, where it combines manufacturing production with agriculture. It has no walls or locked gates interfering with the inmates' freedom to leave. Those who are specially selected as likely to be reformed out of the mass of persons who have been at least twice convicted by the ordinary tribunals of the several constituent republics of petty larceny, or burglary or robbery with violence are simply set to work at piece work wages, to be spent freely at the various departments of the prison shop, allowed to smoke and to talk, to enjoy music the theatre, and to spend their leisure, within reasonable limits, as they choose. They are, in fact, shown that a life of regulated industry and recreation, with the utmost practical freedom, is more pleasant than a life of crime and beggary. After a certain period

they may invite their wives to reside with them, and each family is set up on its own homestead. Many refuse to leave on the expiration of their sentences, some find wives there; and the colony steadily grows as a self-supporting mixed population, now nearly 3,000 of convicts and freemen. Nor does Bolshevo stand alone. There are in the U. S. S. R., ten other reformatory colonies on the same plan."<sup>1</sup>

In Free India, there shall be no capital punishment even for the most serious crimes

The State shall maintain Clinics for delinquent children in order to prevent crime at the very source

Criminal Law shall be rendered as short and simple as possible. Complexity of Laws tends to promote crimes and criminal mentality.

<sup>1</sup> Soviet Communism: A New Civilization" by Sidney and Beatrice Webb, Vol. II pp. 387-88

## XX

### PUBLIC SERVICES

(a) Free India shall have the full option to continue or to discontinue the services of the present officials in the Provincial or All-India services

(b) In the case of those public servants whose services are terminated, Free India *may* pay reasonable pensions or maintenance allowances

(c) In the case of those public servants who are retained by Independent India, their previous years of active service shall be duly counted for purposes of retirement and pensions

(d) New public officials for villages, talukas and districts shall be directly appointed by the Village, Taluka and District Panchayats respectively, in accordance with definite rules and regulations

(e) Recruitment to Provincial and All-India Services shall be made by Public Service Commissions appointed by the Provincial Panchayats and the All-India Panchayat respectively. Members of the Public Service Commissions shall be men of outstanding ability and sterling character

(f) Public Service Commissions shall frame detailed rules relating to appointment, promotion, discipline, retirement, and superannuation of public servants



## XXI MISCELLANEOUS

### FLAG

The official Flag of Free India shall be the 'Tri-colour' Flag with the emblem of the Spinning Wheel in the centre

### NOMENCLATURE

Nomenclature in the Constitution for Free India shall be suitably coined in Hindustani by a Special Committee appointed by the Constituent Assembly

### AMENDMENT OF CONSTITUTION

The All-India Panchayat shall have the power to repeal or alter any of the provisions of the Constitution. The Bill embodying such repeal or alteration shall be passed by the All-India Panchayat and all the Provincial Panchayats with seventy-five per cent majority in each case. If the amendment of the Constitution is in relation to a single Province, the Bill shall be referred only to that Provincial Panchayat.

Provided that alteration shall be made in the Fundamental Rights of the Constitution only after obtaining the written sanction of the Supreme Court of India.

## XXII

### CONCLUDING OBSERVATIONS

To the casual reader, the Gandhian Constitution as outlined in the preceding chapters may not appear to be very much different from the existing top-heavy administration in India. The hierarchy of the village, taluka, district, provincial and All-India Panchayats, is undoubtedly, there still. But the careful reader would discern a marked change in the whole *tone and spirit* of the Constitution drawn up in this brochure. The administrative system envisaged in this Constitution is that of a pyramid whose broad base, is composed of numberless village communities of the country. The higher panchayats shall tender sound advice, give expert guidance and information, supervise and co-ordinate the activities of the village panchayats with a view to increasing the efficiency of administration and public service. But, in the non-violent State of Gandhiji's conception, it will be the basic units that would dictate to the Centre and not *vice versa*. In fact, the whole system will be turned upside down; the Village shall become the real and moving unit of the administration.

It may be argued that the Indian villages are, at present, in a bad way. There are petty jealousies, quarrels, party feelings and rivalries among the villagers who are still illiterate and devoid of keen civic sense. It will, therefore, be risky to repose too much confidence and trust in the

Village Panchayats. But such arguments betray gross ignorance of the fundamental principle of human psychology : 'Trust begets trust' The Britishers have been telling us all the time that we are unfit for Swaraj But we at once retort: "Good government is no substitute for self-government" What does it matter if we commit mistakes and even blunders? We learn through our mistakes We need not, therefore, hesitate to devolve a large measure of political power on the Village Communities The process of devolution and decentralisation may be gradual and by graded instalments. But the ultimate objective must be clear-cut, definite and unmistakable I have no manner of doubt that under the Gandhian Constitution our villages will rise to their full stature and become once again the bright models of genuine and lasting democracy

